

**EXHIBIT  
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Case: Tina Moore, et al. v. Brian  
Kaminski, et al.

4:14-CV1443 SNLJ

Transcript of: Michael White

**Date:** October 1, 2015

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515 Olive Street, Suite 300  
St. Louis, MO 63101  
(314) 241-6750  
1-800-878-6750  
Fax: (314) 241-5070  
Email: [schedule@goreperry.com](mailto:schedule@goreperry.com)  
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Tina Moore, et al. v. Brian Kaminski, et al.

Michael White

October 1, 2015

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TINA MOORE, Individually and  
as Personal Representative of  
the ESTATE OF JASON MOORE, DELORES  
MOORE, and RENEE RODGERS, as Next  
Friend for A.D.R., a Minor,  
  
Plaintiffs,

VS. Cause Nos. 4:14-CV1443 SNLJ  
4:14-CV1447 SNLJ

BRIAN KAMINSKI, et al.,  
  
Defendants.

VIDEOTAPED DEPOSITION OF MICHAEL WHITE

October 1, 2015

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF MISSOURI  
3                   EASTERN DIVISION

5 TINA MOORE, Individually and  
6 as Personal Representative of  
7 the ESTATE OF JASON MOORE,  
8 DELORES MOORE, and RENEE RODGERS,  
9 as Next Friend for A.D.R., a Minor,  
10 Plaintiffs,

12 vs. Nos. 4:14-CV1443 SNLJ  
13 4:14-CV1447 SNLJ

15 BRIAN KAMINSKI, et al.,  
16 Defendants.

20 Videotaped Deposition of MICHAEL WHITE, taken  
21 on behalf of the Plaintiffs, at the offices of  
22 Pitzer Snodgrass, PC, 100 South Fourth Street, Suite  
23 400, in the City of St. Louis, State of Missouri, on  
24 the 1st day of October, 2015, before Julie A.  
25 Bulard, CCR MO #835.

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFFS:

4 Mr. William T. Dowd

5 Dowd & Dowd

6 211 North Broadway, Suite 4050

7 St. Louis, MO 63102

8 (314) 621-2500

9 bill@dowdlaw.net

10

11 FOR THE PLAINTIFFS:

12 Mr. Todd Johnson

13 Baty, Holm & Numrich & Otto, PC

14 4600 Madison Ave., Suite 210

15 Kansas City, MO 64112-3012

16 (816) 531-7200

17 tjohnson@batyholm.com

18

19 FOR THE DEFENDANTS:

20 Ms. Ida Shafaie

21 Pitzer Snodgrass, P.C.

22 100 S. 4th Street, Suite 400

23 St. Louis, MO 63102

24 (314) 421-5545

25 shafaie@pspclaw.com

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1 THE VIDEOGRAPHER:

2 Mr. Timothy Perry

3 Gore Perry Reporting & Video

4 515 Olive Street, Suite 300

5 St. Louis, MO 63101

6 (314) 241-6750

7

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1 VIDEOGRAPHER: We're on the record at  
2 9:31. Today is October 1st, 2015. We are at Pitzer  
3 Snodgrass Law Firm in St.~Louis, Missouri. We're  
4 here for the deposition of Michael White, being  
5 taken in the cause of Tina Moore, et al., versus  
6 Brian Kaminski, et al., pending in the United States  
7 District Court for the Eastern District of Missouri,  
8 Eastern Division.

9 My name is Tim Perry, Certified Legal  
10 Video Specialist, here today with Julie Bulard, our  
11 Certified Court Reporter. We're with Gore Perry  
12 Reporting & Video at 515 Olive Street in St.~Louis.  
13 Counsel, would you please identify  
14 yourselves for the record?

15 MR. DOWD: I'm Bill Dowd here for Tina  
16 Moore.

17 MR. JOHNSON: Todd Johnson for Delores  
18 Moore and Renee Rodgers.

19 MS. SHAFaIE: Ida Shafaie for Defendants.

20 VIDEOGRAPHER: Thank you all. Please  
21 swear in the witness.

22 MICHAEL WHITE,  
23 of lawful age, having been first duly sworn to  
24 testify the truth, the whole truth, and nothing but  
25 the truth in the case aforesaid, deposes and says in

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1 reply to oral interrogatories propounded as follows,  
2 to-wit:

3 EXAMINATION

4 QUESTIONS BY MR. DOWD:

5 Q Good morning, sir. Would you tell the  
6 jurors your name, please?

7 A Michael White.

8 Q And how old a man are you?

9 A 31.

10 Q And tell us a bit about your educational  
11 background.

12 A I graduated from McClure High School in  
13 2003, went to Florissant Valley Community College,  
14 where I got an associate's degree in criminal  
15 justice, graduated from there in 2005.

16 Q And what did you do after you graduated  
17 from Florissant Valley?

18 A I went to the Eastern Missouri Police  
19 Academy for six months.

20 Q Where is that located, or where was it at  
21 that time?

22 A St. Charles Community College.

23 Q And what year did you graduate from the  
24 police academy?

25 A It was 2006.



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1           Q     How long were you in the police academy?

2     How long is that course, sir?

3           A     Six months.

4           Q     Can you tell the jurors and myself some of  
5     the things that you studied and were trained on at  
6     the academy?

7           A     We studied statutory law, we studied --  
8     I'm sorry, the other law I'm drawing a blank on  
9     right now.

10          Q     Constitutional law?

11          A     Constitutional law. We studied everything  
12     from handcuffing to self defense techniques to  
13     physical fitness.

14          Q     All right. And what did you do after you  
15     graduated from the police academy in 2006?

16          A     I started as a police officer at City of  
17     Ferguson.

18          Q     And you were a patrol officer at that  
19     time?

20          A     Yes.

21          Q     And have you remained a patrol officer  
22     through today?

23          A     Yes.

24          Q     Have you had any other assignments, for  
25     example, in the jail or any other assignments other

1 than a street patrol officer?

2 A While I was going through the police  
3 academy I was a correctional officer.

4 Q Okay. And did you go somewhere to act as  
5 a correctional officer, sort of an internship?

6 A No. It was just with Ferguson.

7 Q And is that when you worked in the jail?

8 A Yes.

9 Q And how long was that?

10 A Approximately a year.

11 Q So you understand that rules for prisoners  
12 that are already in jail are the same as the rules  
13 for citizens on the street as far as use of force?

14 A Yes.

15 Q So the first time you were sworn in as a  
16 peace officer was in 2006 with City of Ferguson?

17 A Yes.

18 Q Have you been deposed before?

19 A Yes.

20 Q Okay. How many times?

21 A Twice.

22 Q And can you tell us the two cases you were  
23 deposed in?

24 A One was a criminal case and one was a  
25 civil case.

1           Q     And the criminal case, do you know who the  
2 attorney was that deposed you?

3           A     I believe it was Jim Schottel, Schottel.

4           Q     And how about in the civil case, who --  
5 who would have deposed you?

6           A     Jim Schottel.

7           Q     Did it arise out of the same incident?

8           A     Yes.

9           Q     So were you deposed twice?

10          A     Yes.

11          Q     No other depositions?

12          A     No.

13          Q     Have you ever testified in trial?

14          A     Yes.

15          Q     How many times?

16          A     Criminal trials, I couldn't really give  
17 you a number. It's been ten years. But one civil  
18 trial.

19          Q     And what was the civil trial related to?

20          A     It was a claim of excessive force.

21          Q     And were you a defendant?

22          A     Yes.

23          Q     And that's different than the case with  
24 Jim Schottel or the same case?

25          A     Same case.

1 Q Do you know the status of that case?

2 A It was appealed and it's still in process.

3 Q I know you've given your deposition  
4 before, but I'm going to be asking you a series of  
5 questions regarding your training and regarding the  
6 incident on September 17th, 2011. If at any time my  
7 questions are unclear to you, I want you to tell me  
8 so that I can rephrase them. Do you understand  
9 that?

10 A Yes.

11 Q As we go forward, some of the questions,  
12 you may be able to anticipate my answers to those  
13 questions. I'd ask you to wait to start answering  
14 until I've completed the full question. That makes  
15 the court reporter's job easier. And more  
16 importantly, it makes the transcript and the record  
17 clear, which everybody in this room wants the  
18 transcript to be clear. Do you understand that?

19 A Yes.

20 Q And if we -- if you answer a question, I'm  
21 going to assume for the records, and the ladies and  
22 gentlemen of the jury are going to assume, that you  
23 understood the question as asked. Do you understand  
24 that?

25 A Yes.

1           **Q**     Finally, you're answering out loud, and I  
2     appreciate that. As we go on, sometimes people will  
3     nod their head or say huh-uh or uh-uh. And again,  
4     that is really difficult for the court reporter to  
5     make a clear record of that. We don't want her in a  
6     position to have to interpret those. So if I say  
7     you have to answer out loud that's what I'm  
8     referring to. You have to say yes or no if that's  
9     appropriate or a narrative answer if that's  
10    appropriate. Do you understand that?

11          **A**     Yes.

12          **Q**     Okay. Thank you, sir. Can you tell us  
13    what you've reviewed in relation to your deposition  
14    today?

15          **A**     I reviewed the police report. My portion  
16    of the police report, I'm sorry.

17          **Q**     Anything else?

18          **A**     No.

19          **Q**     You didn't read any depositions of Chief  
20    Jackson or Officer Kaminski or anyone like that?

21          **A**     No.

22          **Q**     Have you spoken to anyone other than the  
23    attorneys representing the City of Ferguson and the  
24    defendants?

25          **A**     I talked to Officer Kaminski.

1 Q Okay. When did you talk to him?

2 A It's been about two weeks.

3 Q Okay. Was that, to your understanding,  
4 before or after his deposition?

5 A I don't know when his deposition was.

6 Q Okay. What did you talk about?

7 A A little bit about this case, not too  
8 much.

9 Q All right. And what did he say to you?

10 A We were just talking about the fact that  
11 we had to do a deposition.

12 Q Okay.

13 A We haven't talked much about this since  
14 it -- since this has come up.

15 Q Okay. Do you recall anything he said to  
16 you during that conversation approximately two weeks  
17 ago regarding the incident? I mean, I get the  
18 general nature of it. But do you recall anything  
19 that he said to you about the incident or about the  
20 deposition, anything like that?

21 A I don't recall specific statements. I  
22 just remember talking a little bit about it.

23 Q Anyone else that you've spoken to recently  
24 about this matter?

25 A Just Ida.

1           **Q**     Is the -- can you tell us since the  
2     incident what your knowledge is of Officer  
3     Kaminski's assignments with regard to whether -- he  
4     was a street patrol officer at the time of this  
5     incident, correct?

6                   MS. SHAFAT: Object to foundation. You  
7     can answer.

8           **Q**     (By Mr. Dowd) Just basic -- all I -- all  
9     the questions I'm asking you today are based on what  
10    you know, either -- for these questions, it's what  
11    Officer Kaminski told you or what you've been able  
12    to observe with your own eyes. Do you understand  
13    that?

14          **A**     Yes.

15          **Q**     And what do you know about Officer  
16    Kaminski's change in assignments, if anything, since  
17    September 17th, 2011?

18          **A**     I know he's a patrolman.

19          **Q**     Okay. And I understood from Lieutenant  
20    Ballard that at one point -- that some time since  
21    then he was in the jail working as a corrections  
22    officer in the Ferguson jail due to manpower issues  
23    and things like that. Were you aware of that?

24          **A**     Yes.

25          **Q**     Is it your understanding that he returned

1 to patrol duty after September 17th, 2011?

2 A Yes.

3 Q Do you guys ride one officer to a car in  
4 Ferguson?

5 A Yes.

6 Q So you're not a -- you don't have partners  
7 and he's not your partner?

8 A He's not my partner.

9 Q But do you guys ride -- do you guys tend  
10 to be on the same shifts, on the same patrol?

11 A Do me and him?

12 Q Yes, sir.

13 A We were at one point, but we haven't been  
14 in a couple years.

15 Q Okay. Do you know why that was changed?

16 A They just do a manpower shift, rotate  
17 schedules. You know, people want to go to midnights  
18 or different schedule. They just change it up.

19 Q Understood. Do you know if he still  
20 carries a taser?

21 A The last time he was on the street, yes,  
22 he had a taser.

23 Q And approximately when was that?

24 A I couldn't give you a timeframe.

25 Q Was it six months ago or last month or --



1           **A**     I think I saw him a couple months ago on  
2     the street and he had a taser.

3           **Q**     Can you -- I want to ask you a few  
4     questions about your ongoing training at the  
5     Ferguson Police Department and through the Ferguson  
6     Police Department. You have firearm training every  
7     year. Is that correct?

8           **A**     Yes.

9           **Q**     And tell the jurors what that entails.

10          **A**     Every six months we go up into the range  
11     and we do our qualifying course. Sometimes we do  
12     some training beforehand, sometimes we do some  
13     after. But if I remember the course correctly,  
14     which it's been six months, it's 36 rounds, various  
15     movements.

16          **Q**     Okay. And what are your general rules of  
17     force -- if you are in a situation where you have to  
18     use lethal force and you have to draw your firearm,  
19     what are your general rules with regard to  
20     targeting?

21          **A**     Generally aim for center mass.

22          **Q**     Center body mass?

23          **A**     Yes.

24          **Q**     And that's basically the middle of the  
25     chest, just a little bit below where your microphone

1 is today?

2 A Yes.

3 Q And the 36 rounds that you often times use  
4 as far as practice, do most of those -- you're  
5 trying to aim at center body mass when you're  
6 pulling the trigger?

7 A Yes.

8 Q All right. And have you heard the phrase  
9 memory -- muscle memory as far related to your  
10 firearm training?

11 A Yes.

12 Q Tell the jurors what your understanding  
13 is.

14 A The more you train, the more you're likely  
15 to do the same instance.

16 Q Hit the target that you've been trained to  
17 hit?

18 A Yes.

19 Q So if you were to fire your firearm in a  
20 justifiable use of lethal force case and hit someone  
21 in the chest, that wouldn't be an accident. That  
22 would be intentionally where you're aiming, correct?

23 MS. SHAFAT: Object to form and  
24 foundation. You can answer.

25 Q (By Mr. Dowd) Is that -- do you understand

1 the question?

2           **A**     I understand the question. Every  
3 situation is different.

4           **Q**     Right.

5           **A**     You know, you can aim at the chest. If  
6 people are running around jumping, shooting at you,  
7 you never know what you're going to hit. But  
8 generally to stop the threat, the easiest way is to  
9 aim for center mass.

10          **Q**     And that's what you're trained to do, and  
11 you intentionally aim for that if you're trying to  
12 stop the threat?

13          **A**     Yes.

14          **Q**     At the academy, did you have any training  
15 in deescalation techniques?

16          **A**     I don't recall.

17          **Q**     Through the City of Ferguson, have you  
18 ever received any deescalation training as a peace  
19 officer?

20          **A**     I would recall deescalation training as  
21 kind of being incorporated in various different  
22 training. But we recently had a specific  
23 deescalation class.

24          **Q**     At the Ferguson Police Department,  
25 physically on the property?

1           **A**     Yes.

2           **Q**     Okay. And who taught that class?

3           **A**     It was St. Louis County tactical officers.

4           **Q**     Do you remember any of their names or --

5           **A**     I do not.

6           **Q**     Was there any written materials  
7 distributed to you at the deescalation training?

8           **A**     There was.

9           **Q**     And do you still have that?

10          **A**     I do not.

11          **Q**     Do you know who does have that?

12          **A**     I do not.

13          **Q**     Was that the first formal deescalation  
14 training you've had as a peace officer?

15          **A**     As far as a deescalation class, yes.

16          **Q**     Okay. You said it may be incorporated in  
17 other training that you have had along the way. Can  
18 you tell me what training that would have been and  
19 which deescalation training was provided?

20          **A**     Specific classes, no. But I mean, in law  
21 enforcement you're trained through various things.  
22 You always want to deescalate the situation. That's  
23 how we've always been taught whether you're dealing  
24 with -- I'm trying to think of the class, but I  
25 can't give you a specific class. But the whole

1 point is to deescalate any situation.

2 Q Okay. And can you tell us what that means  
3 to you in laymen terms as far as deescalate a  
4 situation?

5 A Yeah. I mean, you try to talk someone  
6 down, try to calm the situation down, bring it down  
7 to a point where no force has to be used, nobody has  
8 to be hurt, everything is okay.

9 Q Is it -- can you give us some common  
10 examples of when you may have to use deescalation  
11 techniques, or your training as you've described on  
12 your day-to-day job?

13 A It's pretty much every day. You know,  
14 anyone you come in contact, disturbances, you know,  
15 you get people that are angry, yelling at each  
16 other. You want to talk to them calmly, try to get  
17 them to talk to you calmly, and try to understand  
18 their situation so it makes everything better.

19 Q Okay. And does that include people that  
20 are having domestic disputes? Those are quite  
21 emotional, aren't they?

22 A Yes.

23 Q And do you have occasion to use your  
24 deescalation training in domestic disputes?

25 A Yes.

1           Q     And for the same purposes you've just  
2     described?

3           A     Yes.

4           Q     Tell me about your taser training.   When  
5     were you first certified?

6           A     I can't give you the exact date.

7           Q     Just a year is fine.

8           A     We got tasers, I think, in 2011, maybe  
9     2010.

10          Q     I believe it was 2010.

11          A     But we had to go through the training to  
12     use it.

13          Q     And you went to the taser training on  
14     that?

15          A     Yes.

16          Q     Did they come to the City of Ferguson to  
17     give you that training or did you go somewhere else?

18          A     I can't recall.   I think it was at the  
19     station, but I'm drawing a blank on that.

20          Q     Okay.   Have you been recertified since  
21     2010?

22          A     Yes.

23          Q     Where did you go for that?

24          A     It was at the station.

25          Q     And approximately what year was that?

1           **A**     I believe last year, but I'm drawing a  
2     blank on the actual timeframe.

3           **Q**     While you were an officer at the City of  
4     Ferguson, do you recall receiving any warnings or  
5     bulletins from Taser through -- through the --  
6     through the department?

7           **A**     You kind of have to be more specific  
8     there.

9           **Q**     Sure.

10          **A**     I mean, I don't --

11          **Q**     I understand you have mailboxes, physical  
12     mailboxes out there.

13          **A**     Yes.

14          **Q**     Tell us what kind of things are put in  
15     those mailboxes.

16          **A**     Well, I mean, anything from subpoenas to  
17     court -- just court papers, reports, be on the  
18     lookouts.

19          **Q**     Okay. Have you ever received any  
20     information about tasers in your mailbox?

21          **A**     Everything we've received about tasers was  
22     through taser training.

23          **Q**     Okay. Did they ever supplement with  
24     warnings or changes in warnings or send bulletins to  
25     you by email or mail?

1           **A**     Not that I can recall.

2           **Q**     Do you know who Officer Brannan is?

3           **A**     Yes.

4           **Q**     And was he an officer or did he have a  
5 higher rank when he was -- when he left the  
6 department?

7           **A**     Patrolman.

8           **Q**     Patrolman. And what was his relationship  
9 to the taser training?

10          **A**     He was our taser instructor.

11          **Q**     Did you ever have any conversations with  
12 him about warnings or bulletins?

13          **A**     Just through the training class, nothing  
14 extra.

15          **Q**     Okay. Tell the jury what your  
16 understanding is of CIT training.

17          **A**     Crisis intervention training. I went  
18 through that in about 2011. It was a great class.  
19 We got to interact with subjects who were -- could  
20 possibly have a crisis moment. For existence, we  
21 got taught what bipolar is, autistic, schizophrenia.  
22 We got to deal with people in those situations and  
23 understand what they are going through. So if we  
24 encounter them, to try to stand back and talk to  
25 them and just be able to realize what's actually



1     happening as opposed to not knowing.

2           **Q**     All right. So identify people that are  
3     having mental health issues or personal crisis?

4           **A**     Attempt to identify that, yes.

5           **Q**     Okay. And were there written materials  
6     given to you in the CIT training?

7           **A**     Yes.

8           **Q**     Was there also -- did that come to you as  
9     a physical pamphlet or papers or did you get that  
10    emailed to you?

11          **A**     It was a book.

12          **Q**     Okay. And do you still have the book?

13          **A**     I don't think I do.

14          **Q**     Do you know if there's one kept at the  
15    department for reference or any other purpose?

16          **A**     I haven't seen one.

17          **Q**     Approximately when in 2011 did you receive  
18    that training?

19          **A**     I couldn't remember the exact date.

20          **Q**     You don't know if it was --

21          **A**     2010, 2011.

22          **Q**     You don't remember what part of the year  
23    it was, whether it was spring, summer, fall, winter?

24          **A**     I don't recall that.

25          **Q**     Has there been any follow-up training or

1 testing on the CIT diagnosis techniques and  
2 responses to those since 2010 or 2011 when you had  
3 that first training?

4 A I have not attended any.

5 Q You have not received any pamphlets or  
6 handouts or emails regarding that?

7 A I can't recall if I have or not.

8 Q So as you sit here, you don't have any  
9 specific recollection of that?

10 A No.

11 Q And you haven't received any further  
12 training through the department in crisis  
13 intervention training regarding people in personal  
14 crisis since that class?

15 A I have not.

16 Q And no testing on that either, right?  
17 They don't have quizzes pop up on your computers  
18 that you have to answer every day on CIT training?

19 A No.

20 Q There's no regular testing on use of force  
21 policies. Is that correct?

22 A No.

23 Q Testing, I mean filling out a test and  
24 multiple choice or essays, anything like that where  
25 you're actually tested on your knowledge of the

1 policies and procedures of the Ferguson general  
2 orders?

3 A No.

4 Q That was true prior to September of  
5 2010 -- '11, correct?

6 A Yes.

7 Q And that's still true through today?

8 A Yes.

9 Q You said that the CIT training, crisis --  
10 intervention team training is what CIT stands for,  
11 right?

12 A Crisis intervention training is what I  
13 call it.

14 Q All right. And you said it was a great  
15 class. And tell me why, why you say that.

16 A It was just nice to be able to interact  
17 with subjects who deal with that and have episodes  
18 when their meds don't work or something, just to  
19 understand what they're going through.

20 Q Okay. Is there -- to your understanding,  
21 is there any attempt by the department, by the  
22 sergeants or the lieutenants, whoever's in charge of  
23 the scheduling, to try to have a CIT-trained officer  
24 on each patrol?

25 A I don't -- I couldn't really answer that.

1 I'm not sure how they do that.

2 Q If you would just tell me, so I can  
3 understand and we all have the same understanding of  
4 what a patrol means, when you get to your job in the  
5 beginning of a shift, how is Ferguson broken down  
6 into areas that are to be worked by the officers?

7 A Ferguson has four beats, one, two, four  
8 and five. Each -- there's always an officer  
9 assigned to one of the beats. And you've got -- if  
10 you have extra officers, those are just roaming cars  
11 that just patrol anywhere in the city. And you're  
12 just responsible for your beat.

13 Q All right. So when you guys use the  
14 phrase patrol, you know, as far as your group, that  
15 doesn't encompass everybody who's out that day in  
16 the City of Ferguson during that shift?

17 A I'm kind of trying to understand the  
18 question here.

19 Q Yeah, let me rephrase it. You said there  
20 was one officer per the four -- did you call them  
21 districts?

22 A Beats, districts, same thing.

23 Q Same thing, okay. If you say, I'm on  
24 patrol with an officer, another officer, would that  
25 include somebody who is in the other adjacent beat?

1           **A**     We don't normally say we're on patrol with  
2     another officer.

3           **Q**     Okay.

4           **A**     We're not in cars together. We just --  
5     patrol is just driving around.

6           **Q**     Right.

7           **A**     Officer presence.

8           **Q**     Right. And available to respond to calls?

9           **A**     Yes.

10          **Q**     Understood. So how many officers are  
11     generally on patrol during a shift?

12          **A**     It just depends. Scheduling really  
13     reflects that. They usually try to have five plus a  
14     supervisor on at all times.

15          **Q**     Okay. So hopefully a minimum of five?

16          **A**     Yes.

17          **Q**     Okay. So on September 17th, 2011, if  
18     Officer Bebe, yourself, Officer White and Officer  
19     Kaminski were three of the patrol officers, there  
20     was at least another two patrol officers out that  
21     morning, correct?

22          **A**     I couldn't tell you that.

23          **Q**     I mean, I'm not asking for an exact  
24     number. But that would be your expectation?

25          **A**     Expectation. But again, that was 2011.

1           **Q**     Right. Tell me how you received your CIT  
2     training.

3           **A**     I went to a week-long course at the  
4     St.~Louis County Police Academy. The first three  
5     days were classroom work with an instructor and then  
6     dealing with the subjects who came in to talk to us.  
7     Then the fourth day we went and visited various  
8     mental health facilities, got to interact and talk  
9     to people that work there, give us -- try to give us  
10    some advice on certain things. And I don't remember  
11    what the last day was.

12          **Q**     Was there testing, do you recall, at the  
13    end of the, end of the class?

14          **A**     I don't recall.

15          **Q**     I'm going to ask you a little bit about  
16    the weekly staff meetings that happen at Ferguson.  
17    Is there any time -- do you attend those as an  
18    officer?

19          **A**     No.

20          **Q**     That's just for the sergeants and  
21    lieutenants, captain and chief?

22          **A**     Yes.

23          **Q**     And does that have to do with how they're  
24    going to staff, to your understanding?

25                   MS. SHAFAT: Object to foundation. You

1 may answer.

2 Q (By Mr. Dowd) I'll rephrase. What's your  
3 understanding of what occurs in a staffing meeting  
4 with those command personnel?

5 A I've never been a command personnel, so  
6 who knows what they talk about up there. I would  
7 assume that staffing would be part of their topic.

8 Q All right. But tell us how -- what the  
9 word staffing means in the context of the Ferguson  
10 Police Department.

11 A Probably, you know, assignments or people  
12 are going to get moved, do we have enough people on  
13 a squad. Just, you know, is the schedule filled.

14 Q Before each shift at the City of Ferguson  
15 Police Department, do you all meet in the -- in a  
16 muster room?

17 A Yes.

18 Q What's the other name for that room? I  
19 can never remember.

20 A Roll call room.

21 Q Roll call room. And how long are you  
22 generally there prior to going on patrol?

23 A It can vary, anywhere from five to twenty  
24 minutes.

25 Q Okay. And generally what are discussed --

1 what is discussed in that meeting?

2 A Events from the previous shift, vacation  
3 checks, watch on patrols, your assignments, if  
4 there's court that day, just department related.

5 Q Okay. There's no training, per se, during  
6 that, those pre-shift meetings?

7 A No, no training.

8 Q Other than the recent deescalation  
9 training, I guess in the 2011 time frame -- I  
10 shouldn't say recent, but then the CIT training that  
11 you were sent for, what other training have you  
12 received while you've been an officer at the -- and  
13 taser training, excuse me. What other kind of  
14 training have you received since you've been an  
15 officer at the Ferguson Police Department?

16 A There's been so much. Trying to name them  
17 all off. I mean, I went to bicycle training, I went  
18 to driver training.

19 Q Some K-9 training, I understand?

20 A Well, yeah, I am a K-9 officer. A did a  
21 lot of K-9 training. Racial profiling classes that  
22 we go to. You know, I'd have to review my list.  
23 There's so many of them that we do.

24 Q Okay. And your attorneys have provided us  
25 a lot of certificates. So I just -- is there



1 anything that -- any training that you've had since  
2 you began at Ferguson in the 2006 timeframe that was  
3 directed specifically at use of force training and  
4 on the policies at the City of Ferguson?

5       **A**     You know, we -- we are directed to review  
6 our policies through at the time was the Pass  
7 system. So you have to sign off and show that  
8 you've read and reviewed it and that you understand  
9 it. And there's times where they would force those  
10 back in there where you'd have to read it again,  
11 sign off again saying that you do acknowledge this.  
12 As far as training goes, you know, I'd have to look  
13 at my list of classes again. But, you know, each  
14 class you go to you talk about use of force and  
15 certain situations and what to do and what not to  
16 do. You review videos of other uses of force and,  
17 you know, you talk about it and try to help you  
18 better yourself in the future in what to do and what  
19 not to do.

20       **Q**     My understanding of the prior testimony  
21 from the other officers, including Lieutenant  
22 Ballard and Chief Jackson, is that you guys when you  
23 get to your -- get to the station, you bring up your  
24 computer screen and look and see what's there. Is  
25 that part of what you do every day?

1           **A**     We review the computers, yes.

2           **Q**     Okay. And I understood that if there was  
3     a new order or policy or a change to an existing  
4     policy that those were brought up to your screen.  
5     Is that what you're referring to when you say the  
6     Pass system?

7           **A**     Yes.

8           **Q**     Okay.

9           **A**     Yeah, any changes, you have to review it.

10          **Q**     Okay. So to your understanding, it's just  
11     new general orders, which are policies and  
12     procedures that you're to follow, right?

13          **A**     Yes.

14          **Q**     And it's also any changes in those  
15     existing policies and procedures, correct?

16          **A**     Yes.

17          **Q**     But other than that, you don't see the  
18     policies and procedures on a regular basis, I mean,  
19     as you said, forced on you by the department?

20          **A**     Well, they are readily and available for  
21     to us review, but we're not mandated to do that.

22          **Q**     Oh, I do want to talk to you now about the  
23     day of September 17th, 2011 and ask you, what time  
24     did you report to work that day, if you recall?

25          **A**     I'm an early bird. I get to work about

1 5:30.

2 Q And what time would your shift have  
3 started?

4 A 6:30.

5 Q And how long did you anticipate it being?  
6 Eight-hour shifts or --

7 A I'm trying to recall if we were on  
8 eight-hour shifts in 2011. If we were eight-hour  
9 shifts we'd be getting off at 2:30.

10 Q And what do you generally do between when  
11 you arrive and when you go into the muster room for  
12 your pre-shift meeting?

13 A Check emails, make sure I'm caught up on  
14 all my reports. I check the Pass system, make sure  
15 there's no new policies or changes in there that  
16 need to be read.

17 Q Okay. Then when you get to the muster  
18 room, who's generally there? Everybody who's going  
19 on patrol and the sergeant?

20 A It can vary. Sometimes dispatchers, but  
21 mainly officers.

22 Q And what's the purpose of having the  
23 dispatchers there? When -- what would cause them to  
24 be there?

25 A They can better understand some of the

1 calls that happen the night before, tell us what  
2 they heard.

3 Q Do you know who the dispatcher was on  
4 September 17th, 2011?

5 A I don't recall.

6 Q Was there -- how many dispatchers were  
7 there at that time?

8 A I don't recall.

9 Q Was there male dispatchers and female  
10 dispatchers?

11 A Yes.

12 Q Do you remember the names of any of the  
13 male dispatchers?

14 A Not from 2011.

15 Q Okay. Do you know what a CAD transcript  
16 is?

17 A CAD?

18 Q Yes.

19 A Yes.

20 Q And tell the jury your understanding.

21 A That's the call screen. It's where a  
22 dispatcher enters all the call notes for us to see  
23 as time of arrival, time dispatched, who dispatched  
24 it, what officers.

25 Q Does it also include what officers may

1 have said, notes on that?

2 A If the -- the officer will relay something  
3 over the radio. And if the dispatcher types in what  
4 that officer said, then it might have that in there.

5 Q Okay. I think you said that's something  
6 you can see, correct?

7 A Yes.

8 Q And where do you see that?

9 A On our laptop computers in the car.

10 Q And you had those in September of 2011?

11 A Yes.

12 Q Okay. Is that something that you can go  
13 back and review on your laptop the next day?

14 A I can't recall if we could at that time.

15 Q Can you now?

16 A I don't think you can in that system.

17 Q Did you get a new laptop computer since  
18 September 2011?

19 A Not new computers.

20 Q Okay. Did you have a laptop computer  
21 assigned to you or was it assigned to the patrol  
22 car?

23 A The car.

24 Q And do you believe that laptop computer is  
25 still in existence?

1           **A**     You know, they do change computers, so I  
2     don't know.

3           **Q**     You just don't know either way whether  
4     that one's been replaced or not?

5           **A**     Yes.

6           **Q**     Do you recall a wholesale replacement of  
7     all the laptop computers at the City of Ferguson  
8     since 2011?

9           **A**     No.

10          **Q**     Have you ever seen the CAD transcript in  
11     this case?

12          **A**     I have not.

13          **Q**     Do you ever use the CAD transcripts to  
14     fill out your reports?

15          **A**     No.

16          **Q**     Why is that?

17          **A**     Well, I should say yes, only for like time  
18     of arrival and time of like cleared, if we went  
19     10-8.

20          **Q**     Do you know what the phrase excessively  
21     cleared means?

22          **A**     No.

23          **Q**     I saw that on our report. I'll ask --  
24     I'll point it out to you when we get to the report  
25     and ask you if it makes any more sense in context.

1 Tell us when you first learned that morning that  
2 there was something going on that you later learned  
3 related to Mr. Moore.

4 A I would -- can't give the exact timeframe  
5 we were dispatched. But it was roughly 6:30 we  
6 received the radio call.

7 Q Okay. And what do you recall the radio  
8 call being?

9 A A naked male subject running in the middle  
10 of the roadway, possibly banging on cars.

11 Q And when you heard that, what was your  
12 first thought, your reaction to what that may  
13 involve?

14 A I don't recall what my thought was at the  
15 time. I just was ready to go, ready to drive to it.

16 Q Other than the man being naked, there was  
17 no real report of a violent crime, correct?

18 A There were several things, I believe  
19 several callers. I can't exactly recall what was  
20 said.

21 Q Okay. What you heard in the muster room  
22 was from the dispatcher, correct?

23 A Yes.

24 Q All right. And do you recall the  
25 dispatcher saying anything else while you were in

1 the muster room other than what you've already told  
2 us that morning?

3 A I don't recall.

4 Q How long after you heard that report from  
5 the dispatcher did you leave the muster room?

6 A Immediately.

7 Q And what did you do?

8 A We had to -- well, I had to load up my  
9 police car with my paperwork.

10 Q Okay. Tell the jurors what you mean by  
11 load up the car with paperwork.

12 A I've got a duty bag. It's just got  
13 general forms we use throughout police work. And we  
14 load that up, traffic vest, rain gear, flashlights.

15 Q Did you have a taser on your belt that  
16 morning?

17 A I can't recall.

18 Q Did -- do you recall anything that was  
19 said by any of the other officers or the sergeant or  
20 anyone else in the muster room that you haven't told  
21 us about yet?

22 A No.

23 Q Approximately how long would it take from  
24 the time you left the muster room until you left the  
25 station in your patrol car?



1           **A**     Approximately -- I couldn't give you a  
2     timeframe, but maybe five minutes.

3           **Q**     And did you learn anything else about the  
4     situation in that five minutes?

5           **A**     I believe we were told he had taken his  
6     clothes off and, again, was banging on cars.

7           **Q**     Okay. And from the time you got in your  
8     patrol car until you got to the scene, can you tell  
9     us approximately how much time passed?

10          **A**     I can give you an approximate. Not quite  
11     sure of the exact time. Two to three minutes.

12          **Q**     Okay. From the time you left the Ferguson  
13     Police Department until you got to Marguerite and  
14     Henquin?

15          **A**     Yes.

16          **Q**     Two to three minutes?

17          **A**     Yes.

18          **Q**     Did you learn anything new in that two to  
19     three minutes that you haven't already told us about  
20     other than the man being naked and running in the  
21     street, etcetera?

22          **A**     I know we were told something else on the  
23     radio, but I'm not -- I'm drawing a blank on it  
24     right now.

25          **Q**     Okay. And I'm talking about what you knew

1 as you're -- before you got to the scene.

2 A Yes.

3 Q You understand that?

4 A Yes.

5 (Plaintiff's Deposition Exhibit

6 17B marked for identification.)

7 Q (By Mr. Dowd) I'm going to give you what's  
8 been marked Exhibit 17B and ask you to look at that.  
9 And does that appear to be the intersection of  
10 Airport and Henquin Road, an aerial view?

11 A Yes.

12 Q Can you draw on that map with a --  
13 approximately a one-inch line and an arrow the  
14 direction that you came from when you were  
15 approaching that scene? Do you understand my  
16 question?

17 A Yes.

18 Q Okay. You can put it sort of --

19 A What direction I was going or coming from?

20 Q The direction you were coming from and the  
21 direction you were going towards. So you can do it  
22 sort of -- yeah, that looks good.

23 A (Witness complied.)

24 Q Okay. Can you tell us what you wrote  
25 there?

1           **A**     Yeah. I drew a line with an arrow  
2     pointing away from Henquin and wrote "coming from,"  
3     and then a line going towards Henquin stating  
4     "going."

5           **Q**     Okay. So which arrow indicates where you  
6     were -- the direction you were going when you were  
7     coming to the scene?

8           **A**     The arrow closest to Henquin is the way I  
9     was going.

10          **Q**     Can I see that for one second? So going,  
11     meaning going to the scene?

12          **A**     Yes.

13          **Q**     Okay. Sometimes when you get these  
14     transcripts back it's not clear. That's why I'm  
15     being so redundant. So you're going westbound on  
16     Airport Road, correct?

17          **A**     Yes.

18          **Q**     And how far back were you on Airport Road  
19     before you could see Officer Kaminski's patrol car?

20          **A**     That's not easily -- easy to depict,  
21     especially looking at this map. But I would have to  
22     approximate five to eight hundred feet.

23                                 (Plaintiff's Deposition Exhibit  
24                                 16B marked for identification.)

25          **Q**     (By Mr. Dowd) Okay. Let me give you 16B,

1 please. Can you also indicate back on Airport Road  
2 with an arrow on that exhibit which way you were  
3 going, please, or which way you were going to the  
4 scene?

5 A (Witness complied.)

6 Q Okay. And on Exhibit 16B, can you  
7 indicate with a number 1 where you believe you were  
8 when you were first able to see the corner of  
9 Henquin and Airport Road?

10 A You know, there's a hill there, so this  
11 won't be an exact location, but it will be kind of  
12 close.

13 Q Are you attempting to mark the top of the  
14 hill?

15 A Yes.

16 Q So once the hill no longer obstructed your  
17 view of the intersection, would you have been able  
18 to see that morning Officer Kaminski's vehicle?

19 A Yes.

20 Q And were you able to see Mr. Moore at the  
21 same time you could see Officer Kaminski's vehicle?

22 A Not right away.

23 Q Okay. Approximately how far did you  
24 travel before you could see Officer -- excuse me,  
25 Mr. Moore?

1           A     I would say roughly a hundred feet,  
2     approximately -- approximately a hundred feet.

3           Q     Okay. And did you have your emergency  
4     lights on at that time?

5           A     Yes.

6           Q     Did you have your siren on?

7           A     I don't recall that.

8           Q     What are the policies regarding when you  
9     are to have your emergency siren on?

10          A     When you have your lights on.

11          Q     Okay. So it's more likely than not that  
12     you had your siren on if you had your lights on?  
13     That would have been compliant with policies?

14          A     Well, I could have. But sometimes when  
15     you get close you turn them off.

16          Q     Okay. And what do you mean by close? As  
17     you came over the hill and saw him you may have  
18     turned them off?

19          A     Yeah, if you're getting close, you're  
20     going to turn it off so you can hear the radio.

21          Q     And is that -- do you believe that's  
22     likely what happened that morning when you came over  
23     the hill and you saw him and turned off your siren?

24          A     Yes.

25          Q     Did you ever at any time when you were on

1 route to the scene hear any other officers' sirens?

2 A I don't recall.

3 Q And do you know how long it took you from  
4 the top of that hill on Airport Road to get to the  
5 intersection of Henquin and Airport and park your  
6 patrol car? Was it less than 30 seconds?

7 A I would give it less than 30 seconds to  
8 actually -- when you look at it in person, it's much  
9 closer than how it would look on that map.

10 Q And approximately how fast were you  
11 traveling?

12 A I couldn't -- I don't recall that.

13 Q Do you recall whether you were -- I'm not  
14 asking for exactly, you know, 23 or 43 miles per  
15 hour. But were you in a state of I want to get  
16 there in a hurry and maybe exceeded the speed limit  
17 to get to backup position?

18 MS. SHAFATIE: Object to form. You can  
19 answer.

20 A I mean, again, I can't tell you my exact  
21 speed.

22 Q (By Mr. Dowd) Okay.

23 A But, you know, you're trying to get there.

24 Q Understood. Had you heard anything on the  
25 dispatch report prior to coming over the hill on

1 Airport Road going westbound that you haven't  
2 already told us about with regard to what was going  
3 on at the scene?

4 A All I heard, remember hearing, was that --  
5 whether it was Brian calling out that he was with  
6 him or dispatch advising that he was there, and  
7 that's why I proceeded there.

8 Q Is it possible for an officer to call out  
9 and be heard by other officers without going through  
10 dispatch?

11 A No.

12 Q Okay. So I'm not understanding what you  
13 meant by you may have learned that he was on the  
14 scene by him calling out. Do you mean --

15 A Calling out on his radio.

16 Q Okay. So if he calls out on his radio,  
17 who hears it?

18 A Officers and dispatch.

19 Q And so what is the point of dispatch if  
20 the officers can already hear it?

21 A They're our communicator. They're our  
22 lifeline.

23 Q As far as calling ambulances and things  
24 like that?

25 A Yeah. You know, they relay information,

1 especially at the time the radios -- you know, you  
2 might run into a dead spot that you can't hear that  
3 officer, but dispatch can so they relay it to you.

4 Q They have bigger antennas and better able  
5 to receive signals? Is that why you think that's  
6 true?

7 A Well, yes.

8 Q So when you were -- I can't remember what  
9 you told me. How far did you say you think you were  
10 from Mr. Moore when you first were able to observe  
11 him?

12 A From Mr. Moore, anywhere from three to  
13 four, maybe five hundred feet. I mean, I'm just  
14 guessing. I don't -- I never measured that.

15 Q And what position was he in when you first  
16 observed him?

17 A He was on the ground.

18 Q Okay. And were his feet closer to Airport  
19 Road or his head?

20 A His feet.

21 Q And was he lying on his stomach or was he  
22 lying on his side or was he lying on his back?

23 A He was on his back.

24 Q And can you tell the ladies and gentlemen  
25 of the jury where his arms were by demonstrating?



1           **A**       When I observed him, his arms were kind  
2       of -- he was moving his arms around, kind of  
3       flailing them.

4           **Q**       And do you know why he was moving his arms  
5       around like that?

6           **A**       I do not exactly.

7           **Q**       Have you seen people being tased?

8           **A**       Yes.

9           **Q**       Have you been tased?

10          **A**       Yes.

11          **Q**       Do some people flap their arms around like  
12       that when they're tased?

13          **A**       People are different. Some do, yes.

14          **Q**       How far was Officer Kaminski from  
15       Mr. Moore when you first observed Mr. Moore and he  
16       was shaking his arms like that?

17          **A**       Approximately five feet.

18          **Q**       And what was in his hand?

19          **A**       In Moore's or --

20          **Q**       Mr. -- you're right, Officer Kaminski's  
21       hand.

22          **A**       His taser.

23          **Q**       Was there anything in Mr. Moore's hands?

24          **A**       Not that I saw.

25          **Q**       Did you ever find anything near Mr. Moore

1 at the scene?

2 A No.

3 Q So as you're approaching the scene,  
4 there's not been a report of a weapon, correct?

5 A Correct.

6 Q There's not been a report of any domestic  
7 violence?

8 A Correct.

9 Q There's not been a report of any violent  
10 crime against any person, correct?

11 A Just that he was jumping and hitting on  
12 cars.

13 Q Okay. But other than that, there's no  
14 reports of violence against a person, that he had  
15 injured anyone, correct?

16 A Correct.

17 Q Did you know who the gentleman was that  
18 Officer Kaminski was tasing?

19 A Not until after the fact.

20 Q So he wasn't a suspected criminal at the  
21 time you were approaching the scene? What I mean by  
22 that is somebody who had been coming from an armed  
23 robbery or running from a burglary scene, correct?

24 A Nothing that we were described.

25 Q And nothing that you learned later,

1 correct?

2           **A**     Correct.

3           **Q**     So as you're approaching the scene, you  
4 have a naked gentleman on the ground with Officer  
5 Kaminski standing approximately five feet from him  
6 with a taser in Officer Kaminski's hand and possibly  
7 Mr. Moore, from your observation, being tased at  
8 that time, correct?

9           **A**     Yes.

10          **Q**     Do you know how many more times Officer  
11 Kaminski tased Mr. Moore from that point forward?

12          **A**     One.

13          **Q**     So as you were coming over the hill and  
14 you turned off your siren and you were three to four  
15 to five hundred feet from the scene, it's your  
16 belief that Mr. Moore was being tased for the second  
17 time?

18          **A**     Yes.

19          **Q**     And he was on his back?

20          **A**     Yes.

21          **Q**     Did you observe him change positions?

22          **A**     When I was approximately, I'd say, two  
23 hundred feet from Brian getting ready to --

24          **Q**     I'm sorry, I didn't hear what you said.  
25 Two feet?

1           **A**     Two hundred -- roughly a hundred to two  
2     hundred feet away from Brian. I was slowing down  
3     getting ready to come to a stop. I could see  
4     Mr. Moore attempting to get up off the ground.

5           **Q**     Okay. And if he was -- from his back he  
6     was attempting to get up?

7           **A**     Yes. I was trying to lean up off the  
8     ground.

9           **Q**     Okay. Sort of do a sit up?

10          **A**     Yes.

11          **Q**     Okay. Did he have his hands behind his  
12     back pushing himself up?

13          **A**     No. His hands were still --

14          **Q**     Still waving?

15          **A**     Yeah.

16          **Q**     Did his -- what was his next position as  
17     he was attempting to sit up?

18          **A**     He went back down to the ground.

19          **Q**     On his back?

20          **A**     Yes.

21          **Q**     And approximately how close to him were  
22     you when he went back down on his back?

23          **A**     At that point, probably -- I mean, I was  
24     already coming to a stop, so 20 to 50 feet.

25          **Q**     Okay. Can you indicate on Exhibit 17B

1 where you parked your car by drawing a box where  
2 your car was, please?

3 A On which one?

4 Q 17B, please.

5 A It's going to be an approximate. I can't  
6 recall exactly how I parked my car that day. You  
7 said a box, sir? A box, sir?

8 Q Yes, sir.

9 A (Witness complied.)

10 Q Okay. And if you could draw an arrow  
11 inside that box that would show which way your car  
12 was facing when you parked it.

13 A (Witness complied.)

14 Q And would you mind putting your initials  
15 next to that, please?

16 A (Witness complied.)

17 Q Were your emergency lights still on as you  
18 pulled up?

19 A At that point, I don't recall.

20 Q Did you do anything from the time you  
21 brought your patrol car to a stop until you got out?

22 A No.

23 Q Okay. Did you report to the dispatcher  
24 that you were on scene at any point prior to getting  
25 out of your car?

1           **A**     I don't recall exactly telling them I was  
2     on scene.

3           **Q**     Is that something that would be in the CAD  
4     transcript?

5           **A**     Yes, if they --

6           **Q**     If you reported it?

7           **A**     If I did, they should have put that in  
8     there.

9           **Q**     As you're exiting your patrol car, what  
10    were you able to observe about Mr. Moore? What  
11    position was he in?

12          **A**     He was attempting to get back off the  
13    ground.

14          **Q**     Okay. Did you say anything to Officer  
15    Kaminski as you were exiting your vehicle?

16          **A**     I did not. He was at that point yelling  
17    at Mr. Moore to stay down.

18          **Q**     Okay. Did you make any eye contact with  
19    Officer Kaminski?

20          **A**     I don't recall eye contact.

21          **Q**     Do you recall at any time as you were  
22    approaching the scene Officer Kaminski turning and  
23    looking towards your patrol car?

24          **A**     I recall when I was coming over the hill  
25    that he was trying to call out on his radio and I

1 thought he was looking back. But he might have just  
2 been turned.

3 Q Okay. Is there any other time from the  
4 time you first saw Officer Kaminski until you got  
5 out of your patrol car that you believe he would  
6 have known you were there?

7 A I'm assuming he knew I was there, but I  
8 can't definitely tell you that.

9 Q Between the sound of the siren, the  
10 lights, and your sound that your patrol car makes as  
11 you're coming to the scene and parking it, you  
12 assume he knew you were there?

13 A One would assume that, yes.

14 Q Fair assumption?

15 A Yes.

16 Q Is -- as you're exiting your vehicle, what  
17 position was Mr. Moore in at that time?

18 A When I was exiting the vehicle he was  
19 trying to come back off the ground.

20 Q All right. Sit up again?

21 A Yes.

22 Q Okay. And were you able to observe  
23 Officer Kaminski's taser?

24 A I don't recall looking exactly at his  
25 taser.

1 Q Okay. Were you able to see the wires?

2 A Yes.

3 Q And you could see the probes as you were  
4 getting -- after you got out of your vehicle?

5 A You can't really see the probes right  
6 off -- I mean, that's something you see afterwards.  
7 They're kind of small. It's hard to tell where  
8 they're at.

9 Q Okay. But you could see the wires, right?

10 A Yes.

11 Q And you could see which direction the  
12 wires were going, right?

13 A Yes.

14 Q And you knew that they weren't going  
15 towards his lower leg, correct?

16 A Again, the taser cartridge we use -- or --  
17 I believe they're up to 25 feet. You know, so those  
18 wires when you're that close, they're hanging. And,  
19 you know, they could have been tangled, they could  
20 have been moved. So I mean, when you -- when you  
21 pull up and you see the wires, you can't tell  
22 exactly where someone's being -- where the prongs  
23 are.

24 Q Okay.

25 A You can't tell that.



1           Q     So depending on the length of the  
2     particular taser wires, they may not be in a  
3     straight line is what you're saying?

4           A     Yes.

5           Q     How close were you to Mr. Moore when you  
6     were first able to observe the taser prongs in his  
7     chest?

8           A     I don't recall seeing the taser prongs  
9     until after he was rolled over.

10          Q     Okay. So it's your testimony that the  
11     first time you saw the taser prongs that morning was  
12     when Mr. Moore was rolled over about the time you  
13     realized he couldn't breathe?

14          A     Yes.

15          Q     You described earlier that the officers --  
16     excuse me, let me start over. You described earlier  
17     that Mr. Moore's arms were shaking as he tried to  
18     sit up when you first observed him, correct?

19          A     Yes.

20          Q     And then he went back down on his back.  
21     Is that correct?

22          A     Yes.

23          Q     As he went back down on his back, did his  
24     arms stop shaking out in front of him?

25          A     I don't recall at that point what the arms

1 were doing.

2 Q Okay. Are you able -- generally able from  
3 your training and your experience to know when a  
4 person is being effectively tased?

5 A One can assume when you see it. But  
6 again, different people have different reactions to  
7 it, so --

8 Q What are the kind of things you base your  
9 assumption on? Is there a noise or an observation?

10 A Generally when people are being tased  
11 they're kind of locked out and they might be shaking  
12 a little bit. But when you pull up and you see the  
13 taser wires and the officer's got the taser out, I  
14 mean, you assume they're being tased, especially  
15 since they're on the ground. But was he actually  
16 giving him a cycle at that point? I don't know.

17 Q Does the taser, when it's properly making  
18 contact, make any kind of a sound when you pull the  
19 trigger?

20 A If you're close enough you can hear the --  
21 kind of the tick, tick, tick, tick kind of a noise,  
22 like the spark.

23 Q And when's the first time, if ever, you  
24 heard that from Mr. -- Officer Kaminski's taser that  
25 morning?

1           **A**     I don't remember hearing it at all.

2           **Q**     Tell us approximately how far you were  
3     from Mr. Moore when you exited your patrol vehicle.

4           **A**     Anywhere from 15 to 20 feet.

5           **Q**     Okay. Would you mind marking on  
6     Exhibit 17B where Mr. Moore was? And if you  
7     could -- you can just do a circle.

8           **A**     (Witness complied.) I'm going to write  
9     "Moore" next to it.

10          **Q**     All right. Could you also put a -- why  
11     don't you put a 2 next to Mr. Moore's name and put a  
12     1 by your vehicle, if you would, please, since  
13     that's the order I think you entered those.

14          **A**     (Witness complied.)

15          **Q**     And where was Officer Kaminski when you  
16     exited your vehicle.

17          **A**     (Witness indicated.) This is just a  
18     guesstimate. Obviously in this parking lot. I  
19     can't tell you exact feet, but I'll write "Kaminski"  
20     underneath that one. You want me to put a 3 next to  
21     that?

22          **Q**     Yes, sir.

23          **A**     (Witness complied.)

24          **Q**     As you were -- you exited your vehicle,  
25     where did you go?

1           **A**     I ran -- I went up immediately towards  
2     Mr. Moore.

3           **Q**     Okay. And what did you do when you got  
4     there?

5           **A**     When I got out and I was going up towards  
6     him, he was trying to get back up. Brian, Officer  
7     Kaminski, administered another cycle to Mr. Moore.  
8     And that's when I handcuffed him.

9           **Q**     Okay. And do you recall when you  
10    handcuffed him, was he still in the -- on his back  
11    when you began handcuffing him?

12          **A**     No. I had -- I can't tell you which arm I  
13    grabbed, but I grabbed an arm, rolled him over onto  
14    his stomach, and brought his hands behind his back  
15    and cuffed him.

16          **Q**     Okay. And were you able to do that  
17    relatively quickly?

18          **A**     Yeah, it was very quickly.

19          **Q**     Okay. And why do you think that was?

20          **A**     I believe because he was under power from  
21    the taser.

22          **Q**     So he didn't -- he wasn't resisting your  
23    handcuffing at that point?

24          **A**     No.

25          **Q**     From your taser training, is it easy to

1 comply with instructions to move your body in a  
2 certain way while you're under the power of the  
3 taser electricity?

4 MS. SHAFAT: Object to form. You can  
5 answer.

6 Q (By Mr. Dowd) What's your experience?

7 A You know, it's -- again, it's different  
8 for different people. You know, some people it  
9 doesn't even affect. But, you know, generally your  
10 muscles kind of tense up. And at that point, that's  
11 when it's easier for us, you're not resisting, to  
12 try to handcuff you.

13 Q Okay. So you think it took two or three  
14 seconds to handcuff him?

15 A I can't give you a timeframe, but it was  
16 relatively quickly.

17 Q And how long do you believe Officer  
18 Kaminski was tasing him while you were handcuffing  
19 him?

20 A I mean, I -- he was under, under it while  
21 I was cuffing him. And I'm assuming -- I'm not  
22 sure. He stopped after he was cuffed.

23 Q And so Mr. Moore was on his face at the  
24 end of the cuffing process?

25 A He was on his stomach.

1           Q     On his stomach. Which way was his face  
2     facing? Was it facing towards Officer Kaminski or  
3     away?

4           A     I couldn't tell you which way his face was  
5     facing at that point.

6           Q     So you don't recall either way?

7           A     I don't recall that, no.

8           Q     Did Mr. Moore, to your recollection, ever  
9     move his face or head? Did he move from one side to  
10    the other so his --

11          A     No.

12          Q     -- face was looking a different direction?

13          A     I don't recall after handcuffing him  
14    moving his head.

15          Q     Okay. Do you recall him moving at all  
16    after you completed the handcuffing?

17          A     No.

18          Q     What did you do -- did you have to get  
19    down on one knee to finish the handcuffing?

20          A     I was down on one or both. Yeah, I had to  
21    go down.

22          Q     And how big a man are you, sir?

23          A     6' 5".

24          Q     Okay. And how much do you weigh?

25          A     I am now 260. At that time, I was 220.

1           **Q**     Okay. Approximately how much time passed  
2     before you looked back down and saw that Mr. Moore  
3     was not breathing?

4           **A**     It was relatively quickly. The way I'd  
5     put it is, you know, when something like that  
6     happens, I cuffed him, I looked up at Brian and  
7     said, hey, man, are you okay, everything all right?  
8     Briefly, yeah, I'm fine. Then I looked back down.  
9     I'm like, hey man, what's your name? And that's  
10    when I realized -- when I got no response, I  
11    realized something was wrong.

12          **Q**     So just a few seconds for you to check on  
13    Officer Kaminski and then ask him his name?

14          **A**     You know, I say anywhere -- it could be  
15    from a few seconds, it could have been approximately  
16    a minute, you know, the exact timeframe. But it was  
17    just a brief conversation with me and Brian.

18          **Q**     So you think it may have been as long as a  
19    minute before you checked on the suspect who was  
20    handcuffed facedown?

21          **A**     It could have been.

22          **Q**     Did you ever put your knee in his back?

23          **A**     I didn't have to, no.

24          **Q**     Do you know what positional asphyxiation  
25    is?

1           **A**     Yes.

2           **Q**     Tell the jury your understanding.

3           **A**     You know, I don't know the exact  
4 terminology of it. But from my experience, it's  
5 been with generally larger male subjects that have  
6 trouble breathing when you handcuff them behind  
7 their back.

8           **Q**     Did you make any call outs after the  
9 handcuffing but before noticing Mr. Moore not  
10 breathing?

11                   MS. SHAFAT: Object to form. You can  
12 answer.

13           **Q**     (By Mr. Dowd) Do you understand my  
14 question? When I say call out, I mean call the  
15 dispatcher or --

16           **A**     I don't recall exactly who did, but you --  
17 somebody called out that he was in custody.

18           **Q**     Okay. And this -- at that time it would  
19 have been you or Officer Kaminski, correct?

20           **A**     Yes.

21           **Q**     Okay. How long before anyone else arrived  
22 at the scene?

23           **A**     People were arriving during the  
24 handcuffing. I'm assuming a little bit of time  
25 after that. My back was kind of turned to them, so



1 I didn't see who arrived when.

2 Q Okay. Do you remember Chief -- excuse me,  
3 Lieutenant Ballard arriving at the scene?

4 A I remember him being there. I don't  
5 remember him arriving.

6 Q Okay. And you remember Officer Bebe being  
7 at the scene?

8 A Yes.

9 Q You don't know which arrived first?

10 A I do not.

11 Q Okay. Do you recall what Officer Bebe  
12 said when he arrived at the scene?

13 A Not what was said, no.

14 Q Okay. What did he do?

15 A When I remember seeing Officer Bebe is  
16 when I realized Mr. Moore wasn't breathing.  
17 Unhandcuffed Moore, rolled him over. I believe it  
18 was Bebe checked for a pulse and then started chest  
19 compressions.

20 Q Okay. Did you make any radio dispatches  
21 or radio call outs once you realized he wasn't  
22 breathing?

23 A We had -- or I had asked for the ambulance  
24 to step it up because he wasn't breathing.

25 Q Okay. How much time do you think passed

1 from the time, assuming that you called out when you  
2 were parking your patrol car, until the time that  
3 you would have called out to ask the EMTs to  
4 expedite?

5 A It happened so quick. I almost want to  
6 say two minutes. I mean, it all happened really  
7 quick.

8 Q Okay. And the same question, as best you  
9 can -- let me ask it this way. How much time do you  
10 think passed from the first time an ambulance was  
11 called until the call to expedite was made?

12 A Thirty seconds to a minute. I mean, it  
13 was really fast.

14 Q Okay. So was a call made for the EMT and  
15 supervisor right after the handcuffing was  
16 completed?

17 A Yes.

18 Q And then the call to expedite occurred  
19 immediately after you realized he wasn't breathing?

20 A Yes.

21 Q You guys work with the Christian Northeast  
22 Ambulance?

23 A They -- they're the ones that are  
24 dispatched.

25 Q And do you work with them on a regular

1 basis?

2           **A**     You see them from time to time. I  
3 wouldn't say we generally work with them, but yes --

4           **Q**     Does somebody -- does some other ambulance  
5 service come if you call for an ambulance through  
6 your dispatcher?

7           **A**     We have had one other come sometimes.

8           **Q**     And who is that?

9           **A**     Abbott.

10          **Q**     Is there -- to your knowledge, who was the  
11 communications officer at that time?

12          **A**     I don't remember.

13          **Q**     Do you know, is there any attempt to  
14 synchronize the clocks at the dispatcher for the CAD  
15 transcript and the ambulance timing?

16          **A**     I don't -- I don't think they are. I  
17 don't know.

18          **Q**     Are you aware of any relationship between  
19 those two?

20          **A**     No.

21          **Q**     So after you stand up from putting the  
22 handcuffs on Mr. Moore -- relatively quickly you're  
23 able to get the handcuffs on, right?

24          **A**     Yes.

25          **Q**     You stand up, you check on Officer

1 Kaminski's status, one of you calls for an  
2 ambulance. Then you noticed that Mr. Moore is not  
3 breathing when you asked him his name, correct?

4 A Correct.

5 Q And what did you do next?

6 A He was immediately unhandcuffed, rolled  
7 over onto his back, and that's when Bebe checked for  
8 a pulse and started chest suppressions.

9 Q Okay. Any mouth-to-mouth resuscitation  
10 given to the gentleman?

11 A No.

12 Q Were the chest compressions then given  
13 continuously until the ambulance arrived?

14 A We did not stop until they got there and  
15 then they took over.

16 Q All right. So there was never a time he  
17 wasn't receiving chest compressions to your  
18 knowledge?

19 A Exactly, wasn't.

20 Q Approximately how long until the EMT  
21 arrived and took over chest compressions?

22 A The timing, I can't be exact. Five to six  
23 minutes maybe.

24 Q Okay. And what did you observe them do  
25 when they arrived at the scene?

1           **A**     They took over. They had their equipment.  
2     They continued with the chest compressions. I think  
3     I saw one of those airbags.

4           **Q**     Okay. Did they attempt any defibrillation  
5     at the scene to your knowledge?

6           **A**     I don't recall.

7           **Q**     You didn't see them with paddles, you  
8     know, giving him a defibrillator shock?

9           **A**     I don't recall seeing that.

10          **Q**     Did you see them put any electrode type  
11     pads on him at any time at the scene?

12          **A**     I don't recall that.

13          **Q**     You don't recall either way?

14          **A**     No.

15          **Q**     Approximately how long were they on the  
16     scene before they got him in the back of ambulance?

17          **A**     You know, timing, a minute, two minutes.  
18     I mean --

19          **Q**     Two minutes max?

20          **A**     They were there pretty quick.

21          **Q**     Did you go to the back of the ambulance  
22     and observe anything they did in the back of the  
23     ambulance?

24          **A**     I looked in and just saw them still doing  
25     chest compressions --

1 Q Okay.

2 A -- and their bag. But there's some many  
3 people in there, I couldn't see much.

4 Q Okay. They're blocking your view?

5 A Yes.

6 MR. DOWD: Can we go off the record for a  
7 second?

8 MS. SHAFAT: Sure.

9 VIDEOGRAPHER: Off the record at 10:39.  
10 (Off the record.)

11 VIDEOGRAPHER: Back on the record at  
12 10:47.

13 Q (By Mr. Dowd) When you were approaching  
14 the scene in September of 2011 and based on  
15 everything you had heard to that point before you  
16 got out of your squad car, do you believe and did  
17 you appreciate that Mr. Moore was likely a person  
18 who was in a -- either an emotional crisis, personal  
19 crisis, or some kind of a mental health issue?

20 A There wasn't enough information to assume  
21 that.

22 Q Okay. Is that based on your subsequent  
23 training?

24 A No. I mean, it's just based on years of  
25 experience that there's not enough information there

1 to assume what is going on.

2 Q And we talked earlier about -- there is a  
3 difference as a peace officer when dealing with  
4 somebody who's a criminal suspect as opposed to a  
5 person in emotional distress or personal crisis,  
6 correct?

7 A There is a difference, yes.

8 Q And as far as Mr. Moore's crimes that you  
9 were aware of at that time, it was indecent exposure  
10 and possibly pushing on cars?

11 A Possibly property damage, yes.

12 Q But other than that, there was no report  
13 of a weapon or injury or property damage, any  
14 persons injured, correct?

15 A Nobody injured.

16 Q And the gentleman just unarmed, naked.  
17 Did you assume that he was more likely a person in  
18 personal crisis or emotional distress than a violent  
19 criminal suspect when you were approaching the scene  
20 that morning?

21 A There's many assumptions that could be  
22 made. There's not enough there to determine that.  
23 One could also assume that he could have been on a  
24 narcotic. But you don't make assumptions based on  
25 information you don't have.

1           Q     The information you did have is that he  
2     was unarmed, naked, running in the street, correct?

3           A     The information we were given was that he  
4     was naked, possibly jumping and banging on cars in  
5     the street.

6           Q     Possibly jumping. What does that mean?

7           A     Well, as it sounds, possibly jumping on  
8     cars.

9           Q     Oh, jumping on cars?

10          A     Yes.

11          Q     Okay. And is that -- where did you -- you  
12     heard that that morning that he was jumping on cars?

13          A     Yeah.

14          Q     Okay. Is that something you put in your  
15     report?

16          A     I didn't write the original report, but --  
17     I don't recall what I wrote.

18          Q     That just the first time I've heard that  
19     this morning that he was jumping on cars.

20          A     I said it earlier.

21          Q     Okay. And where did you learn that  
22     information?

23          A     It was through the radio.

24          Q     From the dispatcher?

25          A     Yes.



1           **Q**     That would be considered -- being naked  
2     and jumping on cars would be considered erratic  
3     behavior, wouldn't it?

4           **A**     Yes.

5           **Q**     But you would agree that both you and  
6     Officer Kaminski likely knew he wasn't a serious  
7     criminal suspect as you were approaching the scene?

8                   MS. SHAFAT: Object to form. You can  
9     answer.

10          **Q**     (By Mr. Dowd) As far as yourself. Let me  
11     rephrase the question.

12          **A**     I'm not going to agree to that. We deal  
13     with people on a day-to-day basis. You could run  
14     into somebody and at that point not know what they  
15     might have previously done.

16          **Q**     Understood. But based on what you know,  
17     as you previously testified, as you approached the  
18     scene he did not appear to be, a fair assumption of  
19     the basis of the facts, did not appear to be fleeing  
20     from a serious criminal scene, correct?

21          **A**     The facts that they were --

22                   MS. SHAFAT: Sorry, form. You can  
23     answer.

24          **A**     With the facts we were given, we were not  
25     told of a serious felony crime that he was fleeing

1 from.

2 Q (By Mr. Dowd) As you were approaching the  
3 scene in your vehicle going westbound on Airport  
4 Road, did any cars have to pull over to get out of  
5 your way?

6 A I don't remember a car pulling over, but I  
7 did talk to one.

8 Q Okay. Who was that?

9 A I wasn't able to get their identity. They  
10 left before I could find them.

11 Q But as you're traveling westbound towards  
12 the scene from the station, is that the direction  
13 you were coming from?

14 A From the station.

15 Q Did you -- you had your emergency lights  
16 on at some point, correct?

17 A Yes.

18 Q All right. Approximately how long after  
19 you left the station had you turned on your  
20 emergency lights?

21 A I couldn't tell you exactly.

22 Q Okay. What I'm asking is, as you were  
23 approaching the scene, coming up towards the hill  
24 and over had the hill, were there cars that were  
25 having to pull over to get out of your way at

1 6:30 a.m. on that Saturday morning? Do you recall  
2 any?

3 A Traffic was very, very light. I don't  
4 recall what cars were there.

5 Q Okay. That's pretty consistent with most  
6 Saturday mornings at 6:30 a.m. on Airport Road,  
7 right?

8 A Yes.

9 Q So you don't recall as you were traveling  
10 westbound cars in both lanes having to pull over to  
11 get out of your way, correct?

12 A I don't recall a lot of cars at all.

13 Q Okay. Same -- you're talking about both  
14 directions when you say you don't recall a lot of  
15 cars at all, eastbound and westbound, not many cars?

16 A The direction that I'm going, I don't  
17 recall a lot of cars.

18 Q And do you have any recollection of the  
19 eastbound?

20 A No.

21 Q Was that light traffic also to your  
22 recollection?

23 A I have no recollection of that.

24 Q Okay. In your subsequent deescalation  
25 training and your CIT training, crisis intervention

1 training, if you do believe a person may be in  
2 personal crisis or emotional distress, what are some  
3 of the techniques you would use when you arrived at  
4 a scene where the person was standing still or  
5 static?

6       **A**     If they're standing still and static  
7 and -- it's a lot of talking, trying to understand,  
8 listen to them, have them tell you what's wrong,  
9 have them possibly tell you their diagnosis, get  
10 enough information to relay to a paramedic who's  
11 going to show up so they understand as well what's  
12 going on.

13       **Q**     All right. Is it -- part of the force  
14 continuum includes command -- excuse me, officer  
15 presence on the scene, soft voice, correct?

16               MS. SHAFAT: Object to foundation. You  
17 can answer.

18       **A**     Officer presence.

19       **Q**     (By Mr. Dowd) All right. Do you know what  
20 soft voice means?

21       **A**     Well, yeah.

22       **Q**     Okay. Tell the jury what that means.

23       **A**     Just like me and you are talking.

24       **Q**     Okay.

25       **A**     Just general conversation. You're not

1 yelling.

2 Q Right. A calm, low voice?

3 A Yes.

4 Q And why do you think that's beneficial at  
5 a scene with someone in personal crisis?

6 A So they know you're not agitated. They  
7 can trust that you're calm. And it will bring them  
8 down knowing you're not there to yell at them.

9 Q And it's also a good way to get  
10 information from them?

11 A Yes. They're more willing to talk to you  
12 when you're talking to them normal like this.

13 Q And have you had experience in your career  
14 dealing with people who are in personal crisis or  
15 emotional distress? We talked about it a little bit  
16 earlier? And have those techniques been successful?

17 A Oh, yes.

18 Q The department, Ferguson Police  
19 Department, has a -- has policies on report writing,  
20 correct?

21 A Yes.

22 Q And you guys are required to write reports  
23 as accurately as possible?

24 A Yes.

25 Q And as truthfully as possible?

1           **A**     Yes.

2           **Q**     And as complete as possible?

3           **A**     Yes.

4           **Q**     And is that what you did when you wrote  
5 your report in this case?

6           **A**     Yes.

7           **Q**     Why is it important for officers to write  
8 complete, truthful and accurate reports?

9           **A**     You want the complete documentation of  
10 events, you know, for court, for anything. And  
11 also, in case you have to go back and review it, you  
12 want to be able to know exactly what happened.

13          **Q**     Okay.

14          **A**     You want the families to know exactly what  
15 happened, the victims to know exactly what happened.

16          **Q**     And the command, Ferguson Police command,  
17 to know exactly what happened?

18          **A**     Yes.

19          **Q**     I'm going to give you what's been marked  
20 Exhibit 12 in this matter. Would you page through  
21 that? You said you reviewed your portion of the  
22 report this morning. Is that included in there?

23          **A**     Yes, it's in here.

24          **Q**     Okay. And you see at the bottom there's a  
25 number, a Ferguson number. What page is that in

1 Exhibit 12, please?

2 A It's Ferguson 0006.

3 Q Okay.

4 A And 0007.

5 Q Did you write any other portions of  
6 Exhibit 12?

7 A I did not.

8 Q Did you review prior to your deposition  
9 today any other portions of Exhibit 12?

10 A I did not.

11 Q If you would look at the previous page,  
12 Ferguson 0005. Is that -- that's sort of a  
13 computer-generated portion of your report?

14 A Yes.

15 Q Did you input any of this information --  
16 what I mean by input, did you actually type into a  
17 computer this information, or did this come from the  
18 CAD?

19 A No, at the time, we typed our reports into  
20 like Microsoft Word and forwarded it to the clerks  
21 who typed it in for us. So this front page right  
22 here would have been inputted by them.

23 Q Okay. And when you say the clerks, do  
24 they have an officer position or are they civilians?

25 A Civilians.

1           Q     So at the top left of page 5 of 11 of  
2     Exhibit 12, it says, current case status,  
3     exceptionally cleared. Do you know what that means?

4           A     Yeah. Exceptionally cleared is something  
5     we use -- like you have a suspect or you have a  
6     suspect in custody, and this is just an example, and  
7     say you haven't gone and got a warrant on them yet.  
8     That's something like I would attribute  
9     exceptionally clear to.

10          Q     Okay. So it's clear, but there's an  
11     exception?

12          A     Yes.

13          Q     Okay. What was the exception in this  
14     case?

15          A     I don't know why they classified it as  
16     exceptionally clear.

17          Q     It shows, the next line, date and time of  
18     investigation, September 16th, 2011 at 6:46, Friday.  
19     Do you see that?

20          A     Which part are we talking about?

21          Q     Right under the current -- right under the  
22     exceptionally cleared.

23          A     Okay.

24          Q     Is that an inaccurate date? That  
25     investigation didn't start the day before the



1 incident, did it?

2           **A**     No. I don't know why that's in there.

3           **Q**     So the next is the -- next box is original  
4 offense. Do you see that?

5           **A**     Yes.

6           **Q**     It says assault third slash indecent  
7 exposure?

8           **A**     Yes.

9           **Q**     The assault third is a mandatory charge  
10 when an officer uses his taser to stop a suspect,  
11 correct?

12          **A**     It's not a mandatory charge, but --

13          **Q**     You have to charge him with something  
14 because you used that level of force?

15          **A**     Yes.

16          **Q**     So was the assault the beating on the cars  
17 or was it charging Officer Kaminski to your  
18 understanding?

19          **A**     I don't know. To my knowledge, it was the  
20 charging of Officer Kaminski.

21          **Q**     Okay. Indecent exposure was the fact that  
22 he was naked, correct?

23          **A**     Correct.

24          **Q**     And if a person was to have dementia or  
25 Alzheimer's, was to come out of their house naked,

1 they wouldn't normally be charged with indecent  
2 exposure, would they?

3 MS. SHAFAT: Objected to form. You can  
4 answer.

5 A You know, every situation is different,  
6 sir. This situation, it was noted like that because  
7 he was naked. You just go by different situations  
8 and what's happening.

9 Q (By Mr. Dowd) And I'm not criticizing  
10 that. I'm just asking in general. As you say,  
11 every situation is different. I'm trying to give an  
12 example of another situation, and that is, that if  
13 someone would call and say my 90-year-old neighbor  
14 is walking down the street naked, you would go to  
15 that person, assuming that's a person having mental  
16 issues or personal crisis, and get them help. And  
17 you wouldn't charge them with indecent exposure,  
18 would you?

19 MS. SHAFAT: Form. You can answer.

20 A Again, the situations are different.

21 Q (By Mr. Dowd) I know. I'm giving you --

22 A Most of the time you're writing a --  
23 you're writing a report just like was done here and  
24 you have to classify that report as something. So  
25 yes, if a 90-year-old man is walking down the

1 street, you're going to classify it as an indecent  
2 exposure and a report is going to be made,  
3 documentation, just like this is here.

4 Q But he's not likely to be charged formally  
5 by the department or by the prosecutor with indecent  
6 exposure, is he?

7 MS. SHAFAT: Form. You can answer.

8 A I don't have any control over that. I  
9 write my report. They -- they do their thing.

10 Q (By Mr. Dowd) I'm not asking about your  
11 control. I'm asking about your experience. You  
12 wouldn't expect that to happen, would you?

13 A It's happened before.

14 Q Okay. On repeated offenders or first time  
15 offenders?

16 A Again, I don't know about previous  
17 offenders or first time offenders. But I've seen  
18 it. I've seen it done.

19 Q All right. So then it says the nature,  
20 indecent act. Does that just go back to the fact he  
21 was naked in public?

22 A Yes.

23 Q Okay. Down -- the next line below nature,  
24 it says date slash time of arrival, and that's  
25 blank. Do you see that?

1           **A**     Yes.

2           **Q**     Do you know why that's blank?

3           **A**     I do not. Again, they -- they input this  
4     portion of it.

5           **Q**     Okay. Is it possible that you didn't  
6     report your exact time of arrival at the scene and  
7     that's why that's blank? Is that one explanation, I  
8     mean, by possible?

9           **A**     I think I recovered earlier I can't recall  
10    if I called out exactly what time I arrived.

11          **Q**     Okay. I'm really just trying to  
12    understand this --

13          **A**     Yeah.

14          **Q**     -- form and the abbreviations. I'm not --  
15    so underneath it, it says COGIS, C-O-G-I-S, all  
16    caps, correct?

17          **A**     Yes.

18          **Q**     1450. Do you know what that means?

19          **A**     Yeah. Every area is divided into that  
20    COGIS. I can't give you the exact acronym for it.  
21    But that area just happened to be 145.

22          **Q**     What does that mean? Is that one of these  
23    four districts we talked about earlier?

24          **A**     No. COGIS is -- I wish I could give you a  
25    better description of it. But like part of that

1 area was in COGIS 145. There could have been one or  
2 two other COGISes in that beat, but that's just what  
3 that one was.

4 Q All right. If you go down a little  
5 further, it says -- I believe the box says response  
6 location. Do you see that, street, and then under  
7 that it says street address?

8 A Uh-huh.

9 Q It says North Marguerite at Airport Road.  
10 Do you see that?

11 A Yes.

12 Q What does that mean if this incident  
13 happened at Airport and Henquin?

14 A Response location -- this was -- the calls  
15 were coming out that it was occurring at North  
16 Marguerite and Airport.

17 Q Initially?

18 A Initially.

19 Q Gotcha.

20 A He wasn't located until Henquin.

21 Q So if you go down two boxes, my copy is  
22 hopefully -- hopefully your box is clearer. I think  
23 it says documents detail right under the word area  
24 code?

25 A Occurrence detail.

1           Q     Occurrence detail, thank you. And then it  
2     says date slash time from. Do you see that?

3           A     Yes.

4           Q     And 09/17/2011, 6:46, Saturday. What does  
5     that mean?

6           A     6:46 a.m.

7           Q     What occurred at that time?

8           A     That would be the time the call came in.  
9     I believe that would be the time the call came in.

10          Q     So that would put us -- that's where you  
11     would have been at the muster room approximately?

12          A     Or that could have been a time of arrival.  
13     I don't -- I can't say for sure because I didn't put  
14     that in there.

15          Q     Okay. But you look at these kind of  
16     reports routinely if you have to testify or have any  
17     follow-up?

18          A     I generally review -- like if it's a  
19     supplement, I review my narrative because you rely  
20     on the original report to be accurate as far as the  
21     time. As an officer, when you look at it, you rely  
22     on that to be accurate.

23          Q     So what's your best understanding as to  
24     what that time means there?

25          A     At this point, I don't --

1 Q Okay.

2 A I don't know what to tell you.

3 Q All right. The next -- right up on that  
4 same line, it says date slash time to. And it's  
5 September 17, 2011, 6:50, Saturday, correct?

6 A Yes.

7 Q And can you tell us what your  
8 understanding of what that means?

9 A Well, the date from and to would really be  
10 from when it started to when the incident ended.  
11 That's what it understands to me.

12 Q Okay.

13 A Now, the exact times here, again, were put  
14 in by somebody else, not by me.

15 Q The -- is that the person that entered it?  
16 It says, date/time entered and entered by Kay  
17 Ermerling?

18 A She's the one that would have entered it,  
19 yes.

20 Q And under that it says final approval,  
21 Harry Dilworth, 09/30/11 at 4:09 on Friday. Do you  
22 see that?

23 A Yes.

24 Q And do you know why it was approved 13  
25 days later or so.

1           **A**     With the investigation was ongoing, I  
2     don't know -- I can't give you a definitive answer  
3     as to why he did. But some cases, they -- with the  
4     investigation ongoing, they wait until everything's  
5     entered and entered correctly and then they approve  
6     it. During this reporting period, the way they did  
7     it, they typed your narrative in, sent your  
8     narrative back down. You read it, reviewed it, said  
9     yes, that's my narrative, and then it goes back  
10    upstairs. So it just might have been that amount of  
11    timeframe for it to go back upstairs.

12          **Q**     And Harry Dilworth, what was his rank at  
13    that time?

14          **A**     At the time, I believe he was a sergeant.

15          **Q**     And was he your sergeant?

16          **A**     At the time, I can't remember who was my  
17    sergeant.

18          **Q**     If would you go to the next page of  
19    Exhibit 12 at Ferguson 006, which is also on this  
20    report page 6 of 11. Do you see that?

21          **A**     006, yes.

22          **Q**     The narrative is all information that you  
23    provided to the person who entered this report,  
24    correct?

25          **A**     Yes.



1           **Q**     Let's just -- I'm going to run through  
2     this hopefully fairly quickly. Your first line  
3     states, In reference to the original report, comma,  
4     the following is pertinent.

5                     Do you see that?

6           **A**     Yes.

7           **Q**     And I'm going to ask you, if I ever read  
8     any of these lines incorrectly, would you tell me?  
9     Otherwise, I'm going to have to ask after each  
10    question, did I read that correctly. Can we agree  
11    to that?

12          **A**     Yes.

13          **Q**     Okay. Do you mean that those observations  
14    are the important observations based on your  
15    training and experience when you say pertinent?

16          **A**     Yes.

17          **Q**     Your next sentence says, I responded to  
18    the area of Airport and North Marguerite for a  
19    report of a male subject running naked in the middle  
20    of the street.

21                     I read that correctly?

22          **A**     Yes.

23          **Q**     You see that? And when you say that's  
24    from report, that came from dispatch, right?

25          **A**     Yes.

1           **Q**     And your first impression of that was not  
2     that this is a person with emotional or mental  
3     issues or personal crisis?

4           **A**     Again, a male running naked in the middle  
5     of the street, there's a lot of assumptions that  
6     could be made there.

7           **Q**     So you're -- you're in -- you're in the  
8     squad room or in the muster room. Does everybody  
9     say, oh, boy, here we go, great Saturday morning,  
10    first call, we've got a naked guy running down the  
11    street?

12                   MS. SHAFAT: Object to form. You can  
13    answer.

14           **Q**     (By Mr. Dowd) Do you recall anything like  
15    that?

16           **A**     No. I mean, I -- I don't recall anything  
17    like that.

18           **Q**     Okay. So the next line, upon arrival, I  
19    observed black clothes in the middle of the  
20    intersection at Airport and Marguerite.

21                   That's based on your observations,  
22    correct?

23           **A**     Yes.

24           **Q**     And then you were stopped by a subject in  
25    a black car that told you the naked man ran down

1 Margo, correct?

2 A Yes.

3 Q He didn't mention a weapon or any  
4 violence, correct?

5 A Correct.

6 Q Next line, While checking the area officer  
7 Kaminski 586 advised he had the subject at Airport  
8 and Henquin.

9 Do you see that?

10 A Yes.

11 Q You recall him saying anything else?

12 A I just recall the location.

13 Q Okay. Your next line, you state, I  
14 responded to the area and observed Kaminski  
15 attempting to call out on his radio with the subject  
16 on the ground who had been tased, correct?

17 A Correct.

18 Q How did you know as you got to the scene  
19 he had been tased?

20 A The wires.

21 Q Can you please describe how you -- what  
22 you meant when you say he was attempting to call out  
23 on his radio?

24 A Yeah. Like I said earlier, when he was  
25 looking over his shoulder, it appeared -- you know,

1 because -- to explain it a little bit, there's a --  
2 when something like that happens you've got a lot of  
3 officers on the radio trying to call out that they  
4 are going or where they are at. And from what I  
5 appeared to see was he was trying to call out what  
6 was going on, but there was other people talking on  
7 the radio. So it didn't come over.

8 Q Okay. So you could see him as you're  
9 coming westbound on Airport Road reach up on his  
10 left shoulder, but you couldn't hear him coming  
11 through your radio?

12 A Yes.

13 Q And that's -- that was the conclusion you  
14 reached, that he was attempting to say something?

15 A Yes.

16 Q Understood. Your next line in your report  
17 is, quote, As I exited the vehicle, comma, the  
18 subject, paren, Jason Moore, attempted to get up,  
19 closed parentheses.

20 Do you see that?

21 A Yes.

22 Q Have we covered all of your observations  
23 regarding his attempt to get up?

24 A We covered that.

25 Q Okay. You never saw Mr. Moore lunge at

1 Officer Kaminski, did you?

2 A He was on the ground when I got there, so  
3 no.

4 Q Never saw him on his knees, correct?

5 A I don't recall.

6 Q And you saw him attempt to get up one time  
7 while you were able to observe Mr. Moore?

8 A When I was getting out of the car he was  
9 trying to get up that one time.

10 Q Okay. So that's the only time you saw him  
11 attempt to get up?

12 A Yeah. It all happened very quickly.

13 Q I'm sorry?

14 A It all happened very quickly.

15 Q I understand.

16 A One time.

17 Q Your next line is, Kaminski was yelling at  
18 him very loudly to stay on the ground, correct?

19 A Yes.

20 Q Is that the first thing you heard Officer  
21 Kaminski say once you were at the scene?

22 A Yeah. When I got out of the car he was  
23 yelling.

24 Q Do you recall him using any other words  
25 prior to tasing him again?

1           **A**     I don't recall.

2           **Q**     You don't recall any other words?

3           **A**     Not -- I don't -- I mean, it was 2011. I  
4     don't recall that right now.

5           **Q**     I understand. In your -- tell the jury  
6     based on your training what the stun application is  
7     from a taser.

8           **A**     What the --

9           **Q**     Stun application. If you use the -- you  
10    can either use the darts or use it as a stun gun,  
11    correct?

12          **A**     Yes.

13          **Q**     Okay. And the only thing you have to do  
14    to turn it into a stun weapon is to pull the  
15    cartridge off the end and pull the trigger and push  
16    it on the person's body, right?

17          **A**     You can use it two ways like that. If the  
18    cartridges are already deployed and they don't seem  
19    to be taking effect and you feel like you can do it,  
20    you can run up and try stunning them in another spot  
21    to make the connection. Or you can take that dart  
22    off and do it that way.

23          **Q**     Okay. And was there -- is there ever an  
24    effect when a person uses it in its stun form with  
25    the cartridge off to putting it on a person's leg to

1 get their attention?

2 MS. SHAFATIE: Object to form. You can  
3 answer.

4 A We don't use it to get someone's  
5 attention.

6 Q (By Mr. Dowd) Okay. What do you use it  
7 for?

8 A You're trying to use the force to make an  
9 arrest. You don't -- it's not to get an attention.

10 Q To get somebody to respond to your  
11 commands, when I say get their attention. You tase  
12 them and say, hey, stop resisting or I'm going to  
13 tase you again. With the stun, you can do that,  
14 right?

15 MS. SHAFATIE: Form. You can answer.

16 A That could be agreeable. You're trying to  
17 get them to comply to your, to your commands and  
18 that. In that form.

19 Q (By Mr. Dowd) And sometimes referred to as  
20 pain compliance?

21 A Yes.

22 Q Assume a person is on their stomach and  
23 they've been tased and they're on the ground on  
24 their stomach and they've been tased. Would you  
25 agree that a stun application without the cartridge

1 on to that person's back with the officer above the  
2 person, an unarmed person, a naked person, would be  
3 a safer use of force than a taser to the chest?

4 MS. SHAFAT: Form and foundation. You  
5 can answer.

6 Q (By Mr. Dowd) Safer for the suspect, I  
7 mean.

8 MS. SHAFAT: Same objection.

9 A Every situation is different. You know, I  
10 can't really answer that based on that. I mean,  
11 it -- so many different variables come into play  
12 when you're dealing with different people on a  
13 different daily basis. I just -- it's just too much  
14 to say.

15 Q (By Mr. Dowd) Okay. But do you have to  
16 make those decisions, correct, during -- when you're  
17 trying to get somebody to comply and maybe take them  
18 into custody?

19 A Yeah. When an event's happening you make  
20 your decisions then and based off your training  
21 and --

22 Q Understood. And what I'm saying, based on  
23 your training, when you're -- you understand that  
24 there is some risk of a cardiac arrest when a person  
25 is tased to the chest?



1 MS. SHAFAT: Object to foundation. You  
2 can answer.

3 Q (By Mr. Dowd) You've heard that in your  
4 training, haven't you?

5 MS. SHAFAT: Same objection.

6 A We went through training and --

7 MS. SHAFAT: You can answer.

8 A We went through the training and they had  
9 mentioned a small possibility. And, you know, they  
10 try to tell you, if you can, avoid that area. But  
11 there are different situations. Again, you have to  
12 do what you have to do.

13 Q (By Mr. Dowd) All right. And that's with  
14 the prongs, that you're saying there's a small  
15 possibility of a cardiac arrest. That was your  
16 training, right?

17 MS. SHAFAT: Foundation. You can answer.

18 A We were advised of -- there's no -- I  
19 don't remember the percentage we were told. But  
20 they had mentioned something along the lines of the  
21 chest area.

22 Q (By Mr. Dowd) Right. And so if a person  
23 is being tased, even with the prongs in the back,  
24 that's based on your taser training somewhat safer,  
25 correct, for the suspect?

1 MS. SHAFAT: Object to foundation. You  
2 can answer.

3 A If the opportunity is there to tase them  
4 in the back, that would be a safer place.

5 Q (By Mr. Dowd) Okay. And do you agree that  
6 it's even less likely than -- scratch the question.  
7 In your taser training, do you recall that it's --  
8 there's not any warning or training about cardiac  
9 arrest with regard to a stun application away from  
10 the heart, is there?

11 MS. SHAFAT: Object to foundation. You  
12 can answer.

13 A I don't recall the stun application part  
14 of that.

15 Q (By Mr. Dowd) Okay. But they didn't  
16 associate any cardiac risk with the stunning, right?

17 MS. SHAFAT: Form and foundation. You  
18 can answer.

19 A Again, I don't recall the stun part of  
20 the -- as far as cardiac arrest.

21 Q (By Mr. Dowd) Right. Well, tell the  
22 jurors what the risk is of using a stun on a person  
23 who's laying facedown on their back when you're  
24 trying to arrest them and they're unarmed?

25 MS. SHAFAT: Form and foundation. You

1 can answer.

2 Q (By Mr. Dowd) What's the risk from the  
3 taser is what I'm asking.

4 MS. SHAFAT: Same objection. You can  
5 answer.

6 A From a stun?

7 Q (By Mr. Dowd) Yes, sir.

8 A Again, stun's pain compliance. It's more  
9 narrow of a location. You know, if you -- if  
10 they're on their back and you stun them in the arm,  
11 they're not going to feel that in their heart. I  
12 mean, it's --

13 Q Okay.

14 A They're still going to feel it.

15 Q Right. So a stun application can be  
16 effective to apprehend suspects, correct?

17 A If a situation allows it, yes.

18 Q All right. And assuming if Mr. Moore was  
19 on his stomach that morning when Mr. -- Officer  
20 Kaminski was tasing him and Mr. Moore was not  
21 resisting during the second taser application, he  
22 would have had the option to stun Mr. Moore in the  
23 back and obtain pain compliance to get him  
24 handcuffed, correct?

25 MS. SHAFAT: Form and foundation. You

1 can answer.

2 Q (By Mr. Dowd) Was an option?

3 A Situations will depict on what happens.

4 Q That's one of his force options though,  
5 right?

6 MS. SHAFATIE: Same objections. You can  
7 answer.

8 Q (By Mr. Dowd) One of his tools?

9 MS. SHAFATIE: Same objections.

10 A A stun is one of the tools, yes.

11 Q (By Mr. Dowd) Like a baton or mace?

12 A Yes.

13 Q Those were all options that he had after  
14 the first tasing, correct?

15 MS. SHAFATIE: Same objections. You can  
16 answer.

17 A Those are options we all have.

18 Q (By Mr. Dowd) Your next line in your  
19 report in Exhibit 12, Ferguson 0006 is, quote, Moore  
20 was yelling but his words were hard to understand,  
21 period, close quotes.

22 Were his words hard to understand because  
23 he was mumbling?

24 A It could be considered a mumbling, a  
25 yelling. I mean, it -- I don't know -- I don't know

1    how else to describe it besides a mumbling, kind of  
2    a yelling.

3           **Q**     But you couldn't make out any of the  
4    words?

5           **A**     No.

6           **Q**     Did you notice anything about his face as  
7    you were approaching the scene?

8           **A**     No.

9           **Q**     Do you know what excited delirium is?

10          **A**     I've heard about it.

11          **Q**     Okay. And what's your understanding of  
12   that?

13          **A**     Accelerated heart rate.

14          **Q**     And did you have -- have you had any taser  
15   training with regard to excited delirium and  
16   accelerated heart rate and a taser application to  
17   the chest?

18          **A**     Not that I can recall.

19          **Q**     You have not received any warnings from  
20   them about persons that are in agitated or excited  
21   delirium are at higher risk?

22          **A**     I think that went along the lines of the  
23   chest area, the avoiding. I mean, I do recall  
24   hearing some of that. I can't recall if it was  
25   during the taser training or if it was something

1 else.

2 Q What are some of the physical restraint  
3 techniques that you are trained on with regard to  
4 taking a person under control? I've heard of  
5 phrases called thumb locks, arm locks, you know,  
6 just twisting someone's arm behind their back. Can  
7 you tell us what your training from the academy  
8 through the present are, some of those physical  
9 restraint techniques are?

10 A You've got your pressure points, arm bars,  
11 you know, wrist bends. Good old body weight on them  
12 usually works trying to restrain them.

13 Q What -- when are pressure points  
14 considered a proper use of force?

15 MS. SHAFAT: Object to form. You can  
16 answer.

17 A I generally use pressure points when  
18 they're physically resisting. And they can also be  
19 used when they are passive resistance,  
20 noncompliance, just completely ignoring you, sitting  
21 still.

22 Q (By Mr. Dowd) And what part of the body do  
23 you generally use the pressure point on?

24 A Right underneath the ear.

25 Q Okay. And that's sometimes helps you get

1 compliance?

2           **A**     Oh, that one works.

3           **Q**     Is there any great risk to the person that  
4 you're using that pressure point on?

5           **A**     No.

6           **Q**     How about the arm bars? Can you  
7 demonstrate sort of how that works?

8           **A**     Depending on -- grabbing a hold of  
9 somebody's wrists, keeping their arm locked  
10 straight, keeping them close to you. That way if  
11 they try to pull away or move you're able to take  
12 them to the ground quickly.

13          **Q**     You have the person's arm straight? Can  
14 you demonstrate for us? You're pulling on --

15          **A**     You're grabbing a wrist. You've got their  
16 arm down here. You've got a hold of them here.  
17 You're keeping their arm straight. That way if  
18 they're trying to turn, you can turn with them, kind  
19 of control where they're going, take them to the  
20 ground if you need to.

21          **Q**     And you use your legs to take them to the  
22 ground if you need to, kick -- I think I saw in some  
23 of the use of force reports some kind of a kick  
24 move.

25          **A**     Sometimes if you've got to sweep their

1 legs out, yeah.

2 Q How else would you bring them down if you  
3 had them in an arm lock?

4 A Body weight, just kind of take them to the  
5 ground.

6 Q Your next sentence in your report is,  
7 quote, Kaminski utilized the taser again, period,  
8 closed quotes.

9 Do you see that?

10 A Yes.

11 Q What's your best estimate as to the amount  
12 time between when he stopped tasing him the first  
13 time as you were arriving at the scene until he  
14 tased him the next time?

15 A You know, I can look back. I didn't  
16 guess. But I can't really tell you for sure, it  
17 happened so quickly. Everything there happened so  
18 quickly.

19 Q When you're applying force to a person,  
20 whether it's through pain compliance, using a taser  
21 stun device, whether striking someone with a baton,  
22 spraying them with mace or tasering them, after the  
23 application of force you're required per your  
24 training to assess their compliance, right?

25 MS. SHAFAT: Object to foundation.



1 Q (By Mr. Dowd) To see if they're complying?

2 MS. SHAFATIE: Foundation. You can answer.

3 Q (By Mr. Dowd) Do you understand the  
4 question?

5 A Yeah. I mean, situations dictate, but  
6 yes.

7 Q So if you hit someone with a baton, you  
8 don't get to hit them five times in a row. You can  
9 hit him once and see if he goes down and see if he's  
10 going to resist further, right?

11 MS. SHAFATIE: Form. You can answer.

12 A You're trained to use the least amount of  
13 force possible to effect the arrest, and that's the  
14 ultimate goal.

15 Q (By Mr. Dowd) Right. And one way to do  
16 that is to wait to see if the person is complying,  
17 right?

18 A If the situation dictates that you can do  
19 that, yes.

20 Q All right. And if a person is -- the  
21 officer also has to go through his -- you just said,  
22 what's the least amount of force, or also, do I have  
23 to use greater force, right?

24 A Yes.

25 Q And that's basically a use of force

1 assessment that you go through on a regular basis  
2 when you're at a scene, right?

3 A Yes.

4 Q When that officer -- after an officer uses  
5 force, they have to give that suspect a reasonable  
6 time to comply, right --

7 MS. SHAFATIE: Foundation.

8 Q (By Mr. Dowd) -- to make that use of force  
9 assessment in their attempt to use the least amount  
10 of force as necessary? Would you agree with that?

11 MS. SHAFATIE: Form, foundation. You can  
12 answer.

13 A Every officer has to evaluate a situation  
14 as it comes. Every situation is different. You  
15 want to try to do -- to evaluate it the best that  
16 you can. Some people will comply, some people  
17 don't. But it's just a different situation to  
18 everything.

19 Q (By Mr. Dowd) That's why, because some  
20 people will comply and some people won't, why you  
21 have to give everyone a reasonable chance to comply  
22 after using force on them, right?

23 MS. SHAFATIE: Same, foundation. You can  
24 answer.

25 A You're always evaluating the situation.

1 Again, it's -- to see if their use of force needs to  
2 continue.

3 Q (By Mr. Dowd) Right. And that's -- the  
4 reasonableness of the force is largely based on the  
5 threat they pose, correct?

6 A Correct.

7 Q And were there any other persons around on  
8 the scene with Mr. Moore that morning? Once you  
9 arrived at the scene, did you see a group of people  
10 standing next to him or anything like that?

11 A No.

12 Q So only the closest people besides Officer  
13 Kaminski were the people in their car, right, cars  
14 going by?

15 A Yes.

16 Q So the threat as Officer Kaminski was  
17 tasing Mr. Moore as you were arriving at the scene  
18 is primarily from Mr. Moore himself and to Officer  
19 Kaminski, correct?

20 A Yes.

21 Q And he's naked on the ground. You believe  
22 he's being effectively tased as you get to the  
23 scene. In your opinion, how much time would be  
24 reasonable for an officer to allow to do a  
25 compliance assessment and also to determine whether

1 additional force is necessary on this person?

2 MS. SHAFAT: Form and foundation. You  
3 can answer.

4 A I go back to every situation is different.

5 Q (By Mr. Dowd) I'm asking you about that  
6 situation.

7 MS. SHAFAT: Same objection. You can  
8 answer.

9 A And my answer is, every situation is  
10 different. I wasn't there to see what happened  
11 before I got there. You have to understand what  
12 that officer's going through. He made that  
13 decision. And I can't answer for him as to why he  
14 would do that. It didn't happen to me. So I wasn't  
15 the one tasing him so I can't answer that. It's --  
16 every situation is different. Every officer  
17 perceives it differently.

18 Q (By Mr. Dowd) You said why he would do  
19 that. What do you mean by why he would do that?

20 A Why he used the force.

21 Q I'm just asking -- not why he used the  
22 force, but how much time should he have waited in  
23 your opinion based as a field officer with a lot of  
24 experience to -- would be reasonable under that  
25 specific threat, a naked man lying on the ground

1 trying to get up, how much time should be given for  
2 him to comply before using another taser  
3 application?

4 MS. SHAFAT: Form and foundation. You  
5 can answer.

6 Q (By Mr. Dowd) And I'm not asking you for  
7 an exact time.

8 A I know.

9 MS. SHAFAT: Same objection.

10 A I'm going back to he assessed the  
11 situation as it came from the start up until then,  
12 how every officer will do it. I wasn't there to  
13 perceive that, to see that. So I can't give you an  
14 opinion on how long that would be. I don't know  
15 what happened beforehand. That all comes into play  
16 when you're tasing somebody.

17 Q (By Mr. Dowd) All right. But you also  
18 have to reassess the threat at the time that you're  
19 going to apply the force, correct? And I'm saying  
20 this is a man who's, per your observation, naked,  
21 unarmed, lying flat on his back trying to sit up  
22 with his arms out in front of him shaking, no  
23 citizens anywhere near around. Should an officer  
24 give a person less than one second between taser  
25 applications to assess his risk threat and whether

1 he should use form again?

2 MS. SHAFAT: Form and foundation. You  
3 can answer.

4 A And again, I'm going back to it's every  
5 situation, every officer depicts things differently.  
6 I'm not going to give you a definitive answer on  
7 that. I just -- it depends on what happened from  
8 the beginning to the end to that. You know, for a  
9 situation, if you show up and an officer just got  
10 the crap beat out of him, he's not going to give a  
11 guy another chance to get back up, okay? So that  
12 goes along with every situation is different.

13 Q (By Mr. Dowd) And there was no report that  
14 he had actually struck Officer Kaminski at the time  
15 that Officer Kaminski was tasing him when you  
16 arrived, right?

17 A After the fact, I found out there was --  
18 no, there wasn't after the fact.

19 Q All right. And before the fact, you had  
20 not heard anything over the radio that somebody --  
21 that he had assaulted Officer Kaminski, right?

22 A I did not hear anything over the radio.

23 Q So you're -- if I understand your  
24 testimony correctly, you're saying that when an  
25 officer uses force it's solely that officer's

1 discretion as to when to apply force again based on  
2 that circumstance, and there's no reasonable time  
3 between a taser application on a naked person  
4 without a weapon and no citizens around to allow  
5 that person to comply, there's no timeframe you can  
6 give, less than a second or more than one second,  
7 anything like that?

8 MS. SHAFAT: Form. You can answer.

9 A It's all about perceived use of force.  
10 The officer has to assess the situation and what  
11 goes on. That's our job. That's how we do it. You  
12 assess what force has to be used.

13 Q (By Mr. Dowd) All right. So it's your  
14 testimony that it would be your opinion that the  
15 force used would be appropriate if a person was  
16 tased while they're charging, falls to the ground,  
17 is on the ground, that they can be tased repeatedly  
18 with less than one second, but not more than one  
19 second, to ever comply between all of those taser  
20 applications?

21 MS. SHAFAT: Object to form and  
22 foundation.

23 A My testimony is I wasn't there to see what  
24 happened. I show up on scene and I assist that  
25 officer. He felt that that needed to be done and

1 that's what he did. That's police work. You have  
2 to perceive a situation as it comes and handle it  
3 correctly.

4 Q (By Mr. Dowd) I understand. So you're  
5 saying that the officer's assessment and discretion  
6 on the use of force is to be unquestioned by you as  
7 a fellow officer?

8 MS. SHAFAT: Object to form. You can  
9 answer.

10 A I'm not questioning another officer's use  
11 of force. When I show up to assist him, I assist  
12 him. We have to trust each other and trust that  
13 it's being done for a reason and go from there.

14 Q (By Mr. Dowd) So no matter what the facts  
15 are, you're going to trust his judgment, his  
16 discretion and back him up, correct?

17 MS. SHAFAT: Form. You can answer.

18 A Yes.

19 Q (By Mr. Dowd) The next line in your report  
20 on Exhibit 12 is, quote, At that time, comma, I was  
21 able to force Moore's hands behind his back and  
22 handcuff him, period, closed quotes.

23 At that time, it's just you and Officer  
24 Kaminski at the scene, correct?

25 A That I can remember, yes.



1           Q     And he's on his -- Mr. Moore is on his  
2     back at the completion of the handcuffing. Is that  
3     your testimony?

4           A     He was on his stomach with his hands  
5     behind his back.

6           Q     I'm sorry, you're right. You said earlier  
7     he was on his back when he was being tased. But  
8     after the handcuffing he was then on his stomach and  
9     his face, and you weren't sure whether his face was  
10    facing to his right or to his left, correct?

11          A     Correct.

12          Q     After the handcuffing, did you touch  
13    Mr. Moore at any time prior to realizing he wasn't  
14    breathing?

15          A     No.

16          Q     And the only touch you made to him was to  
17    roll him over and get his handcuffs, correct?

18          A     To handcuff him.

19          Q     To -- after you realized he wasn't  
20    breathing. I'm sorry, my question wasn't clear.  
21    The next time you touched Mr. Moore was to roll him  
22    over and take off his handcuffs so that Officer Bebe  
23    could start the chest compressions?

24          A     Yes.

25          Q     What was Officer Kaminski doing when you

1 were doing that?

2 A You know, I don't recall.

3 Q In your taser training, you described  
4 earlier some people are able to use their arms when  
5 they are being tased better than others. There's a  
6 couple differences. In your taser training, they  
7 use a quarter-inch barb, correct?

8 MS. SHAFATIE: Object to foundation. You  
9 can answer.

10 A I don't recall the exact length of it  
11 or --

12 Q (By Mr. Dowd) They use a training barb?  
13 Have you ever heard that phrase?

14 A In training, we use a training cartridge.

15 Q Right. And I'll represent to you that  
16 that's a quarter-inch barb as opposed to the ones  
17 that are used out in the field, okay? So you're  
18 using a smaller barb when you and your fellow  
19 officers are being tased in training?

20 MS. SHAFATIE: Foundation. You can answer.

21 Q (By Mr. Dowd) Do you understand that?

22 A I don't -- I've never looked at it and saw  
23 it that way, but --

24 Q Yeah, I'm -- you can -- for purposes of my  
25 question, you can assume that I'm telling you that,

1 that that's a quarter-inch barb, okay?

2 A Okay.

3 Q That barb is not going to be as painful  
4 going into you as a barb that's, for example,  
5 .55 inches, a little over a half an inch. Would you  
6 agree with that?

7 MS. SHAFATIE: Foundation. You can answer.

8 A I wouldn't know. I haven't had that one  
9 come into me.

10 Q (By Mr. Dowd) Okay. Would you assume that  
11 the taser people put that out there because it's  
12 more effective at incapacitating subjects than the  
13 quarter-inch barb?

14 MS. SHAFATIE: Form and foundation. You  
15 can answer.

16 A Again, I don't know.

17 Q (By Mr. Dowd) Do you think it's likely to  
18 have more effect, a half-inch barb than a  
19 quarter-inch barb, based on your training?

20 A I've never seen the difference between  
21 both.

22 Q When you said it affects people  
23 differently, does it affect large, heavy people  
24 less, the taser, I mean, taser prongs and the taser  
25 prong application format, does that affect heavier,

1 larger people less than it does slight, skinnier  
2 people? Is that your training?

3 A No. When I say differently, there's just  
4 people of small stature or big stature that for some  
5 reason it just doesn't affect them.

6 Q Based on your observations the morning of  
7 September 17th, 2011, it was affecting Mr. Moore,  
8 wasn't it?

9 A Yes.

10 Q Do -- are you aware of any additional risk  
11 between persons who are of slight build and persons  
12 who are more heavily built with regard to cardiac  
13 arrest?

14 MS. SHAFAT: Form and foundation. You  
15 can answer.

16 A No.

17 Q (By Mr. Dowd) Do you know the difference  
18 between a cardiac arrest and a heart attack?

19 A Yes.

20 Q Tell us your understanding.

21 A Cardiac arrest is when your -- I believe  
22 that's when your heart is pretty much stopped. A  
23 heart attack is when you're having heart issues,  
24 possible excessive heartbeat, not enough heartbeat.

25 Q Okay. And which of those two is your

1 understanding are caused by taser applications,  
2 although as you say, a slight possibility?

3 MS. SHAFAT: Form and foundation. You  
4 can answer.

5 A I mean, either one could, if somebody has  
6 previous existing, probably caused either one of  
7 them. We have no way of knowing that.

8 Q (By Mr. Dowd) When you arrived on the  
9 scene and saw Mr. Moore, did he appear to be  
10 somebody who was slightly built?

11 A He was -- I mean, he looked muscular.

12 Q But thin?

13 A But thin, yeah, I would say.

14 Q What's your estimate of his height and  
15 weight?

16 A I mean, I've never seen him actually  
17 standing up, but I would say six-foot.

18 Q How about weight? What's your  
19 understanding of how much he weighed?

20 A A guess?

21 Q Your best estimate.

22 A 180, 190.

23 Q That's when he was laying on the ground?

24 A Again, I'm just guessing.

25 Q Does the size of the person who you're

1     trying to gain control of, is that part of the  
2     factor in the risk assessment, a threat assessment  
3     as you said earlier, when you're trying to determine  
4     how much force to use?

5           **A**     I mean, you're going to -- you're going to  
6     think about that as you're doing it. But that's  
7     incorporated into their actions.

8           **Q**     Do you believe, sir, that as you got to  
9     the scene and exited your vehicle, assuming that  
10    occurred during or shortly after the second tase  
11    application that morning, that you had been able to  
12    safely handcuff Mr. Moore on the ground with Officer  
13    Kaminski there without the use of another taser  
14    application?

15           MS. SHAFAT: Object to form. You can  
16    answer.

17           **A**     That's going to go back to the factors  
18    that happened before.

19           **Q**     (By Mr. Dowd) But I'm asking you what you  
20    knew as you arrived at that scene and were able to  
21    observe that slightly built man on the ground being  
22    tased effectively whether or not based on your  
23    experience, your training at the academy, your  
24    experience in apprehending people, being 6' 5", a  
25    hundred and -- how much did you weigh at the time?

1           **A**       220.

2           **Q**       220. That you and Officer Kaminski likely  
3 would have been able to handcuff that man without  
4 another taser application without injury to you or  
5 Officer Kaminski?

6                   MS. SHAFAT: Form. You can answer.

7           **A**       And I'm going to go back to --

8           **Q**       (By Mr. Dowd) I'm not asking you about the  
9 choice of force. I'm asking you, could you have  
10 done that?

11                  MS. SHAFAT: Same objection. You can  
12 answer.

13           **A**       I don't think you're understanding that  
14 you have to assess -- he had to assess the  
15 situation. I have to -- as an officer, when you  
16 show up and you see what's going on, you're doing  
17 what you can for the less amount of force, but I  
18 can't question why he's doing it because I don't  
19 know what happened before.

20           **Q**       (By Mr. Dowd) Okay.

21           **A**       So --

22           **Q**       So you're -- you do know certain things.  
23 You know he's naked, you know he's unarmed, there's  
24 no report of a serious crime or a violent crime,  
25 correct?

1           **A**       I know that from starting, yes.

2           **Q**       Okay. So as you get out of your vehicle  
3 and you're running up to him, you're not saying to  
4 Officer Kaminski, okay, I got him, I got him, I got  
5 him, right? You're not saying anything like that?  
6 You're just moving towards him and he's tasing him  
7 again, he starts tasing him again, right?

8           **A**       I ran towards him and he started tasing  
9 him again.

10          **Q**       Okay. And so what I'm asking you is --  
11 I'm not asking you about whether he should have or  
12 not under this question, okay? I'm saying if you  
13 had been in that situation in 2009, a man's on the  
14 ground, he's not resisting -- or it's just --  
15 because he's -- in this case he's just been tased.  
16 I'm asking, if you go pre-taser, do you believe that  
17 a man lying on the ground on his back that you and  
18 Officer Kaminski, if you had arrived at that scene  
19 without a taser, that the two of you likely would  
20 have been able to handcuff him without serious  
21 injury to Mr. Moore?

22                   MS. SHAFAT: Form. You can answer.

23          **A**       So now you're going back to pre-taser and  
24 you're adding in different factors. I mean, I don't  
25 know what's going to happen when we go to handcuff



1 this guy on the ground.

2 Q (By Mr. Dowd) What would you have done if  
3 you didn't have a taser in that situation?

4 MS. SHAFAT: Form. You can answer.

5 A You know, use the tools that you have  
6 optional. You can try pepper spray and/or you just  
7 have a drag out, you know, fight if this guy starts  
8 fighting. You do what you can to hold him down, get  
9 the handcuffs -- as safe as possible get him  
10 handcuffed. But I'd rather use a taser and risk  
11 less injury than have to go hands on and fight this  
12 guy in a drag out, knock out fight.

13 Q (By Mr. Dowd) I understand that. But  
14 there's a risk benefit analysis you have to make  
15 when you're using force. How -- what's the least  
16 amount of force you can use to protect the suspect  
17 and the officer, correct?

18 A Yes.

19 Q Do you believe that if you -- if there was  
20 no taser on the scene but Mr. Moore was on the  
21 ground on his back, as you have testified you  
22 observed, don't you agree that you and Officer  
23 Kaminski would have likely been able to handcuff him  
24 without serious injury to you or Officer Kaminski?

25 MS. SHAFAT: Form. You can answer.

1           **A**       We probably would have been able to  
2       handcuff him. But the situation that occurred, you  
3       never know what's going to happen from the time you  
4       try to handcuff him to the point of handcuffing.  
5       That's what I'm trying get at.

6           **Q**       (By Mr. Dowd) And police officers have  
7       been handcuffing people, two officers on the scene,  
8       handcuffing people since handcuffs were invented.  
9       Would you agree with that statement?

10          **A**       Yes.

11          **Q**       It's only relatively recently that you've  
12       had the tool known as a taser, right?

13          **A**       Yes.

14          **Q**       Every time two officers handcuff a suspect  
15       who's on the ground but resisting, an officer does  
16       not get hurt. Do you agree with that?

17                   MS. SHAFATIE: Form. You can answer.

18          **A**       Start the question from the beginning.  
19       I'm sorry.

20          **Q**       (By Mr. Dowd) Would you agree that every  
21       time two officers handcuff a person starting on the  
22       ground at the beginning of the handcuffing process  
23       that it's not guaranteed that one of the officers is  
24       going to get hurt, is it?

25                   MS. SHAFATIE: Form. You can answer.

1           **A**       There's never a guarantee for anything.

2           **Q**       (By Mr. Dowd) All right. It's more likely  
3       than not that the officers are going to be able to  
4       handcuff that person without injury to the officer.  
5       Do you agree with that?

6                   MS. SHAFAT: Same objection.

7           **A**       It depends on the actions of the suspect.

8           **Q**       (By Mr. Dowd) Understood. But I'm saying  
9       in your experience, when you have two officers on  
10       the scene, naked suspect on the ground, or a suspect  
11       on the ground who weighs 135 pounds and you and  
12       another officer are there, it's more likely than not  
13       that you're going to be able to get him in  
14       handcuffs without the use of a taser safely for the  
15       officers?

16                  MS. SHAFAT: Same objection.

17          **A**       If the subject's complying, well then yes.

18          **Q**       (By Mr. Dowd) Okay. If the subject is  
19       resisting, it's likely yes as well?

20                  MS. SHAFAT: Same objection.

21          **A**       Not as likely, no.

22          **Q**       (By Mr. Dowd) Not as likely because  
23       they're resisting?

24          **A**       I've had situations where it's escalated  
25       completely quickly from people on the ground. So

1 that's why I'm saying --

2 Q I understand.

3 A -- you have to base it off their actions  
4 at the time and go from there.

5 Q All right. But you've successfully  
6 handcuffed people without tasers who were resisting,  
7 correct?

8 A Yes.

9 Q And you'd say the vast majority of the  
10 people that were resisting that you handcuffed were  
11 not under taser power. Would you agree with that?

12 MS. SHAFATIE: Form and foundation. You  
13 can answer.

14 Q (By Mr. Dowd) You understand the question?

15 A I understand the question.

16 Q Do you agree with it?

17 MS. SHAFATIE: Same objection.

18 THE WITNESS: Rephrase the question.

19 MR. DOWD: Would you read it back, please?

20 (The requested portion of the  
21 record read by the reporter.)

22 MS. SHAFATIE: Same objection.

23 A Well, yes, because we didn't have tasers  
24 until --

25 Q (By Mr. Dowd) Right. And how many times

1 have you been injured handcuffing a suspect?

2 A Not exactly handcuffing, but trying to  
3 force them to be handcuffed, it's -- I've gotten --  
4 I've gotten injured.

5 Q Can you give me your best estimate of how  
6 many people you've handcuffed without the benefit of  
7 a taser?

8 A I couldn't give you an estimate.

9 Q That were resisting.

10 A I've been a cop for ten years.

11 Q Understood. More than a hundred that were  
12 resisting?

13 A Again, I couldn't give you a number.

14 Q I'm not asking for a specific number. I'm  
15 asking for more or less than a hundred.

16 A It's going to be less than a hundred.

17 Q And have you been injured less than  
18 5 percent of the time?

19 A I would agree with that.

20 Q Approximately how many times have you been  
21 injured attempting to handcuff a suspect who was  
22 resisting?

23 A In ten years, again -- you know, you talk  
24 about injuries. You can talk from minor injuries to  
25 excessive injuries.

1 Q Something requiring medical treatment.

2 A I'd say a guesstimate of at least ten  
3 times.

4 Q Okay. You required medical treatment, not  
5 just first aid?

6 A Medical treatment or first aid.

7 Q Yeah.

8 A Bleeding?

9 Q I'm saying medical treatment. How many  
10 times have you received medical treatment?

11 A At a hospital?

12 Q Yes, after a handcuffing a suspect --

13 A Five.

14 Q -- who is resisting.

15 A Five times.

16 Q And that ranges from having your nose  
17 broken at one time, I understand?

18 A Yes.

19 Q And can you recall the other injuries you  
20 received?

21 A Knee injury, twisted ankle. I can't  
22 remember what the other ones were.

23 Q All right. Let's go back to Exhibit 12 in  
24 your report, sir. The next line I believe we left  
25 off at is, quote, I then requested paramedics and a

1 supervisor respond to the scene, parentheses, per  
2 Ferguson policy, closed parentheses.

3 Do you see that?

4 **A** Yes.

5 **Q** And why did you not call the paramedics  
6 before, before the handcuffing was completed?

7 **A** Well, because you're handcuffing them.

8 **Q** Okay. I mean, at any time that morning as  
9 you're coming up on the scene and you see the naked  
10 man being tased, you didn't call for an ambulance at  
11 that time or any time before that, correct?

12 **A** I did not.

13 **Q** That's consistent with the department  
14 policy. You don't call an ambulance out just  
15 because you've got someone acting erratically and  
16 running naked?

17 **A** That would not require specifically an  
18 ambulance.

19 **Q** Okay. Your next line is, quote,  
20 Approximately one minute after handcuffing Moore it  
21 was observed that he stopped breathing.

22 That was an observation that you made?

23 **A** Yes.

24 **Q** And what did you actually observe that led  
25 you to that conclusion?

1           **A**     Well, when I asked him for his name and I  
2     didn't get a response, I kind of reached down and I  
3     realized his chest wasn't going up and down.

4           **Q**     Okay.

5           **A**     His mouth wasn't moving. So I assumed he  
6     wasn't breathing.

7           **Q**     Did you notice anything about his face or  
8     his lips? Was anything blue?

9           **A**     I don't recall that.

10          **Q**     Okay. Did you hear him breathe at any  
11     time after that or see him breathe or any  
12     observation that led you to believe he was breathing  
13     after that?

14          **A**     After the chest compressions I thought he  
15     was trying to breathe, but I don't know.

16          **Q**     Was that before the paramedics arrived?

17          **A**     Yes.

18          **Q**     The next sentence, I think, regarding you  
19     calling EMS and unhandcuffed him and chest  
20     compressions, we've covered all your observations  
21     and recollections on that, sir?

22          **A**     Yes.

23          **Q**     So in the next part of your report, I'd  
24     like to draw your attention to -- you had a  
25     conversation with Officer O'Connor, correct?



1           **A**     Yes.

2           **Q**     And he identified somebody that may have  
3     witnessed Mr. Moore earlier that morning?

4           **A**     Yes.

5           **Q**     Mr. Alan Shilling, he was not at the scene  
6     to your knowledge, with the tasing, I mean?

7           **A**     He was not at the tasing scene.

8           **Q**     So everything you learned from Officer  
9     O'Connor and that you learned from Mr. Shilling was  
10    learned after the tasing was over and the threat  
11    assessment had already been made and the gentleman  
12    had left the scene, correct?

13          **A**     Yes.

14          **Q**     Are you the one who confiscated the -- I  
15    shouldn't say confiscated. Took the taser to the  
16    police station and placed it into evidence?

17          **A**     I don't recall doing that, no.

18          **Q**     Is there anything that you recall Officer  
19    Kaminski saying at the scene before, during or after  
20    the tasing that we haven't talked about?

21          **A**     No.

22          **Q**     How about Officer Bebe? Do you recall him  
23    saying anything at the scene?

24          **A**     No.

25          **Q**     Lieutenant Ballard?

1           **A**     At the scene, Lieutenant Ballard was  
2     just -- after the ambulance had got there, he got  
3     our version of the events. And I remember him  
4     telling me to go try to find the witness.

5           **Q**     Okay.

6           **A**     And that's when I contacted O'Connor.

7           **Q**     Okay. Anything else you recall Lieutenant  
8     Ballard saying that morning?

9           **A**     At the scene?

10          **Q**     Yes, sir.

11          **A**     No.

12          **Q**     About this incident after you left the  
13     scene, anything you recall Lieutenant Ballard  
14     saying?

15          **A**     You know, we -- after the fact, obviously  
16     we talked to him about it. We go over what happened  
17     again. But I don't recall the exact conversations  
18     about it.

19          **Q**     Who was present when you were completing  
20     your narrative report that we've gone through in  
21     Exhibit 12?

22          **A**     I don't recall who was there.

23          **Q**     Were you there by yourself or you guys sit  
24     around a table and fill them out?

25          **A**     If it's the -- I'm trying to think of the

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1 room we had at the time. There was two computers in  
2 there. I just don't recall if there was anyone in  
3 there.

4 Q Do you recall anything that the EMTs said  
5 that morning?

6 A I didn't talk to the EMTs. I left before,  
7 before that.

8 Q Okay. Did you -- have you ever had any  
9 contact with Tina Moore or, who is Jason Moore's  
10 wife, or Delores Moore, who is his mother?

11 A I have not.

12 Q Okay. You've never run into them  
13 anywhere, never saw them at the police station,  
14 anything like that?

15 A I have not.

16 Q Have you seen any statements that were  
17 attributable to them?

18 A I have not.

19 Q Okay. Did you hear anything that the  
20 dispatcher said that morning that we haven't talked  
21 about today?

22 A No.

23 Q Do you know in September of 2011 or at any  
24 time after that, were the officers or any of the  
25 civilian staff at Ferguson able to download the

1 taser firing and timing sequence reports?

2           **A**     I have no idea if anyone had access to  
3 that. I know I definitely didn't.

4           **Q**     Have you ever seen the taser firing and  
5 timing sequence report in this case?

6           **A**     I have not.

7           **Q**     Have you spoken to anyone other than your  
8 attorneys about it?

9           **A**     No.

10                   MR. DOWD: Let's go off the record one  
11 second, please.

12                   VIDEOGRAPHER: Off the record at 11:54.  
13 (Off the record.)

14                   VIDEOGRAPHER: Back on the record at  
15 11:58.

16           **Q**     (By Mr. Dowd) Officer White, I'm going to  
17 hand you Exhibit 8. Does that appear to be the City  
18 of Ferguson General Order 410.00? It's noted at the  
19 top right as July 6, 2010. Do you see that?

20           **A**     Uh-huh, yes.

21           **Q**     Is it your brief that these were the  
22 policies of the City of Ferguson with regard to the  
23 use of less than deadly force and lethal force when  
24 this occurrence happened in September of 2011?

25           **A**     Yes.

1           **Q**     And if you'd look at the third full  
2     paragraph under section 410.01 Policy, do you see  
3     that? That third paragraph, second sentence states,  
4     in part, It is the policy of this department that  
5     police officers shall use only that force that  
6     appears reasonably necessary to effectively bring an  
7     incident under control or prevent unlawful behavior  
8     and accomplish lawful objectives, comma, while  
9     protecting the lives and safety of the officer or  
10    another.

11                   Did I read that correctly?

12           **A**     Yes.

13           **Q**     Is that the policy we've been talking  
14    about today when you've been saying use the least  
15    amount of force necessary depending on the threat  
16    assessment?

17           **A**     Yes.

18           **Q**     If you would go to page 5 of that  
19    Exhibit 8, section 410.06, Use of Less-Lethal  
20    Force -- Regulations. Do you see that?

21           **A**     Yes.

22           **Q**     So this is when you're -- you're to use  
23    something besides -- most common example of lethal  
24    force would be using your side arm, your weapon,  
25    your gun, right?

1           **A**     Yes.

2           **Q**     So if you're not using your gun, I believe  
3     the second sentence that is applicable, it says,  
4     quote, Only the appropriate amount of force  
5     necessary to bring an incident under control is  
6     authorized.

7                     Did I read that correctly?

8           **A**     Yes.

9           **Q**     That means each time force is applied you  
10    have to use only the appropriate amount of force  
11    necessary to bring the incident under control,  
12    correct?

13          **A**     Yes.

14          **Q**     The next sentence states, quote, In making  
15    an arrest, comma, no more force shall be used than  
16    is reasonably necessary for the safe custody of the  
17    prisoner or for overcoming any resistance that may  
18    be offered and for ensuring the delivery of the  
19    prisoner into safekeeping.

20                    Have I read that correctly?

21          **A**     Yes.

22          **Q**     That's consistent with our discussion  
23    today about using the least amount of force  
24    necessary in light of the threat assessment,  
25    correct?

1           **A**     Yes.

2           **Q**     If you would go to page 7 of Exhibit 8 at  
3     Ferguson 0568. Just to put it into context for you,  
4     if you look at page 6, this is the use of -- part of  
5     the use of force continuum. Would you agree with  
6     that?

7           **A**     Yes.

8           **Q**     These are the options that are available,  
9     baton, pepper spray, aerosol irritant, advanced  
10    taser electronic incapacitation device. Do you see  
11    that?

12          **A**     Yes.

13          **Q**     Then on to page 7, it states, the last  
14    sentence of that section, quote, Guidelines for the  
15    operation, comma, deployment and training on the  
16    X-26 TASER are found in General Order 499.00.

17                   Do you see that?

18          **A**     Yes.

19          **Q**     And that we have marked as Exhibit 9. And  
20    the reason I'm asking you about this this time is  
21    there's no date on Exhibit 9, per se, as there are  
22    on the other general orders. But if this order was  
23    in effect on July 6, 2010, would you agree that the  
24    taser order that is policy number 499.00 would have  
25    been in effect that day?

1           **A**     With it noting it in here, I could agree  
2     to that.

3           **Q**     Okay. I'm going to give you Exhibit 9,  
4     please. Are you -- you were Taser certified on --  
5     in September of 2011, correct?

6           **A**     Yes.

7           **Q**     And the second line of Exhibit 9, section  
8     499.00 of that first full paragraph, states, quote,  
9     The X-22 -- excuse me, X-26 TASER is considered a  
10    conducted energy weapon, semicolon, an electronic  
11    incapacitation device, closed quotes.

12                   Is that what your understanding of that  
13    tool is?

14           **A**     That's what it reads, yes.

15           **Q**     And that's a force option that is, to your  
16    understanding, in the same -- as far as force  
17    continuum as the OC spray or a baton?

18           **A**     Yes.

19           **Q**     Is it in the same force continuum as arm  
20    locks, wrist locks, blunt blows, those kind of  
21    things?

22           **A**     It might be.

23           **Q**     Then this policy goes on in section 499.01  
24    of Exhibit 9 to state that the decision made must be  
25    made dependent on the actions of the subjects or



1 threat facing the officers. That's part of it,  
2 correct?

3 A Where are you reading from?

4 Q I'm down in the second full paragraph  
5 under policy.

6 A Okay.

7 Q It states -- it's talking about the use of  
8 a taser, correct? It states, quote, The decision  
9 must be made dependent on the actions of the  
10 subjects or threat facing the officers.

11 That's one of the factors when you can use  
12 a taser, correct?

13 A That is one, yes.

14 Q Then the next one says, quote, and the  
15 totality of the circumstances surrounding the  
16 incident. That's a second factor, right?

17 A Yes.

18 Q Then it states, quote, In any event,  
19 semicolon, the use of the X-26 TASER must be  
20 reasonable and necessary, period, closed quotes,  
21 right?

22 A Yes.

23 Q And you agree that all three of those need  
24 to be factored each time an officer pulls a taser  
25 trigger on a suspect, correct?

1 MS. SHAFAT: Form. You can answer.

2 A Yeah, yes.

3 Q (By Mr. Dowd) Do you understand the  
4 question?

5 A Yes, I do.

6 Q And you answered it yes?

7 A Yes.

8 Q And the next page, 499.03, Procedure for  
9 Use, states, The X-26 TASER may be used in those  
10 situations where, colon, then it states, A, a  
11 subject is threatening himself, comma, an officer,  
12 comma, or another person with physical force and  
13 other means of controlling the subject are  
14 unreasonable or could cause injury to the officer,  
15 the subject or others.

16 That's a factor in using the taser?

17 A Yes.

18 Q Do I'd ask you when Mr. Moore was lying  
19 flat on his back and his arms were shaking out in  
20 front of him, as you described earlier, was he a  
21 threat to himself at that point --

22 MS. SHAFAT: Object to form. You can  
23 answer.

24 Q (By Mr. Dowd) -- at that point?

25 MS. SHAFAT: Same objection. You can

1 answer.

2           **A**     You're saying at that point. But you  
3 bring in the factors, all the other factors that  
4 happened --

5           **Q**     (By Mr. Dowd) I'm saying --

6           **A**     And him getting up could be a threat to  
7 the officer depending on what happens.

8           **Q**     If he got up at that point. That's why I  
9 used the phrase at the point that he's being tased  
10 and his arms are shaking out in front of him and  
11 he's on his back on the ground. He's not a threat  
12 to the officer at that point, correct?

13          **A**     Well, because he's being tased.

14                   MS. SHAFATIE: Form.

15          **Q**     (By Mr. Dowd) Right. And he's not a  
16 threat to himself at that point, correct?

17                   MS. SHAFATIE: Form. You can answer.

18          **A**     Because he's being tased.

19          **Q**     (By Mr. Dowd) And he's not a threat to any  
20 other citizens, correct, because they're not around  
21 and he's being tased, right?

22                   MS. SHAFATIE: Same objection.

23          **A**     Yeah, because he's being tased.

24          **Q**     (By Mr. Dowd) Okay. Immediately after  
25 Mr. Moore was receiving the taser application that

1 he received as you got out of your squad car and  
2 were approaching, which I am recalling the second  
3 taser application prior to the last application,  
4 immediately upon the cessation of the taser he was  
5 there and he was attempting to get up, would you  
6 agree that at that point he was not an actual threat  
7 to the officer?

8 MS. SHAFAT: Object to form. You can  
9 answer.

10 Q (By Mr. Dowd) He could be in the future.  
11 But at that point, he did not have a weapon, he was  
12 not charging the officer. He was not an immediate  
13 threat at that point, correct?

14 MS. SHAFAT: Same objection. You can  
15 answer.

16 A It's all about how you perceive it.

17 Q (By Mr. Dowd) Right.

18 A Again, with what happened beforehand,  
19 Officer Kaminski perceives that as a threat, and he  
20 addresses the situation.

21 Q And pauses to assess the situation before  
22 applying another taser application?

23 MS. SHAFAT: Same objection.

24 A I said he assessed the situation.

25 Q (By Mr. Dowd) So are you saying at that

1 point in time, immediately after the taser  
2 application, that Mr. Moore was a threat to Officer  
3 Kaminski and yourself, who are now on the scene,  
4 after that second application?

5 A I'm not saying immediately, but you have  
6 to bring into factor what occurred beforehand.

7 Q I'm saying was he an immediate threat to  
8 you, unarmed, naked, on the ground, attempting to  
9 get up, was he an immediate threat to Officer  
10 Kaminski and your personal safety?

11 A It wasn't to me because I wasn't out of  
12 the car yet completely.

13 Q After you're out of the car.

14 A To Brian, he could have felt like he was a  
15 physical threat.

16 Q In your opinion, a naked man who's just  
17 been tased with two officers on the scene is an  
18 immediate threat, authorizing the use of a taser  
19 application?

20 MS. SHAFAT: Form. You can answer.

21 A There are many other factors there. And I  
22 think we've established that. What happened before  
23 comes into play.

24 Q (By Mr. Dowd) I know it comes into play.  
25 But those factors have changed, okay? Once he's

1 tased -- I mean, I understand the difference between  
2 when he's charging Officer Kaminski as Officer  
3 Kaminski has reported, that he used the taser on him  
4 and he put him on the ground. It's not the same  
5 situation, is it, when he's tasing him the second  
6 and third time?

7 MS. SHAFAT: Form.

8 Q (By Mr. Dowd) He's no longer charging,  
9 right?

10 A Right.

11 Q Now he's got taser prongs on him that are  
12 being effective and incapacitating him, correct?

13 MS. SHAFAT: Form.

14 A While he's being tased, yes.

15 Q (By Mr. Dowd) All right. So he's at a  
16 different threat level than prior to the first taser  
17 application. Would you agree with that?

18 A Well, anybody that's being tased is a  
19 different threat level.

20 Q Right. And anybody who's on the ground is  
21 a different threat level than someone who's  
22 allegedly charging, correct?

23 MS. SHAFAT: Form.

24 Q (By Mr. Dowd) Unarmed and naked?

25 MS. SHAFAT: Form.

1           **A**       But you're not going to let them get back  
2       off the ground and be that threat again.

3           **Q**       (By Mr. Dowd) I'm just asking you a direct  
4       question. It's a different threat assessment at  
5       that point, correct, a man charging without --

6           **A**       You assess it -- you assess the situation.

7           **Q**       Right.

8           **A**       It would be a different assessment.

9           **Q**       It would be a different assessment,  
10       different factors, because now he's not charging,  
11       now he's on the ground, still naked, but he also has  
12       taser prongs in his chest, correct? That's a  
13       different threat assessment than a person who's  
14       charging?

15                   MS. SHAFAT: Form.

16           **A**       And your assessment of that situation is  
17       probably going to be different than someone else's.  
18       Mine might be different than Brian's. But Brian  
19       assessed that situation in his own way.

20           **Q**       (By Mr. Dowd) I'm asking you as a police  
21       officer, are the factors different between a person  
22       who's charging an officer as far as a threat  
23       assessment as opposed to someone who's on the  
24       ground, having been tased, fallen to the ground, and  
25       is naked and unarmed as opposed to a person who's

1 charging? That's a different -- those factors are  
2 changed, correct?

3 A Those are different factors. By the  
4 assessment of those factors can be different.

5 Q So again, you're saying that whatever the  
6 officer assesses or whatever force he uses, you're  
7 going to feel that that's appropriate because he's  
8 the only one allowed to assess the factors --

9 MS. SHAFAT: Form.

10 Q (By Mr. Dowd) -- before using the force?

11 MS. SHAFAT: Form. You can answer.

12 Q (By Mr. Dowd) Is that what you're saying?

13 A I'm saying I trust another officer's  
14 judgment in the situation at hand. There's a lot of  
15 things going on there, a lot of stress.

16 Q Okay. Back to Exhibit 9, section 499.03,  
17 the second situation which tasers are authorized  
18 are, quote, B, in cases where officer slash subject  
19 factors indicate the officers, comma, offenders or  
20 others would be in danger by the use of physical  
21 force, period.

22 I think we've covered that, haven't we?

23 C, other means of lesser or equal force  
24 have been ineffective and a threat still exists to the  
25 officers, comma, subjects and others, period.



1 Do you see that?

2 A Yes.

3 Q To your knowledge, the only force that  
4 Officer Kaminski ever used that morning was the  
5 taser?

6 A To my knowledge, yes.

7 Q He never attempted any alternative uses of  
8 force?

9 A To my knowledge.

10 Q You see the next sentence that says,  
11 quote, The lower center mass of the body should be  
12 the target area for frontal discharges when firing  
13 the X-26 TASER, comma, although back shots remain  
14 the preferred area when practical, semicolon.

15 Do you see that?

16 A Yes.

17 Q And then below that is a picture which has  
18 the preferred target areas in blue. Do you see  
19 that, even though this is black and white?

20 A I do see that.

21 Q Is that consistent with your training in  
22 September -- prior to September of 2011, that target  
23 area?

24 A That statement there is consistent with  
25 the training.

1           Q     I'll give you Exhibit 7 -- 21, excuse me.  
2     It's page Ferg 1483, which is the Taser Training  
3     Academy Instructor Certification Lesson Plan,  
4     Version 17 dated May 2010. Have you ever seen that  
5     document before, sir?

6           A     I don't recall the exact documents that  
7     are shown, but --

8           Q     While saving your place there, do you see  
9     the front of that document?

10          A     Yes.

11          Q     Are you certified on Version 17 from --  
12     have you been --

13                   MS. SHAFATIE: Form. Do you mean --

14          Q     (By Mr. Dowd) Have you been user certified  
15     on Version 17 of the taser training?

16          A     I've been user certified, I mean, and I  
17     understand what you're showing me. But I'm saying I  
18     don't exactly remember if this was the page or not.

19          Q     I understand. You see that picture?

20          A     I do see the picture.

21          Q     It's similar to the picture at Ferguson  
22     902 in Exhibit 9, correct?

23          A     Correct.

24          Q     And would you agree that if the taser --  
25     the taser -- you saw it that morning when they were

1 taking him away, right? You eventually were able to  
2 see the taser prongs in his chest?

3 A I didn't see the prongs in his chest  
4 because of everything that was going on, the amount  
5 of people that were working on him. I was just told  
6 where they were later on.

7 (Plaintiff's Deposition Exhibit  
8 35 marked for identification.)

9 Q (By Mr. Dowd) I'm going to give you  
10 Exhibit 35 and represent to you, sir, that that is a  
11 picture taken as part of the autopsy of Mr. Moore.  
12 And that burn mark, as they say in the autopsy, is  
13 the location of the upper taser prong that morning  
14 on Mr. Moore's chest. Do you see that?

15 A Yes.

16 Q Would you agree that that's pretty darn  
17 close to center body mass?

18 A It is.

19 Q And would you agree that that's above the  
20 line that's in Exhibit 9 as well as Exhibit 17 as  
21 far as the preferred target area, several inches  
22 above that line?

23 A It is above the line.

24 Q The department purpose and mission  
25 statement in Exhibit 1, I'm done with that exhibit,

1 includes the law enforcement enclosed of ethics.

2 Are you familiar with those?

3 A Yes.

4 Q If you'd like to refer to Exhibit 1. It's  
5 the last page, sir, second to last page. It states  
6 on the first line at General Order 103, Law  
7 Enforcement Code of Ethics, as a law enforcement  
8 officer my fundamental duty is to serve mankind. Is  
9 that correct?

10 A Correct.

11 Q The last clause of that paragraph is, to  
12 respect the constitutional rights of all men, to  
13 liberty, comma, equality and justice, period.

14 Do you see that?

15 A Yes.

16 Q That includes the constitutional rights to  
17 be free from use of excessive force by officers,  
18 correct?

19 A Correct.

20 Q Officers are given a lot of responsibility  
21 and a lot of authority in our society, aren't they?

22 MS. SHAFATIE: Form. You can answer.

23 A Yes, we are.

24 Q (By Mr. Dowd) And with that responsibility  
25 comes the duty not to abuse the authority, including

1 the ability to use force that you've been trained to  
2 use, correct?

3 MS. SHAFAT: Form. You can answer.

4 A Correct.

5 Q (By Mr. Dowd) If you look down at the  
6 fourth paragraph, it states, quote, I recognize the  
7 badge of my office as a symbol of public faith.

8 Do you agree with that statement?

9 A Yes.

10 Q And it further states that you accept it  
11 as a public trust to be held so long as I am true to  
12 the ethics of the police service.

13 Do you agree with that statement?

14 A Yes.

15 Q Did you take an oath similar to that, sir,  
16 before to become a peace officer?

17 A Yes.

18 Q Do you agree, sir, that when police  
19 departments, police academies, train their officers  
20 not to use excessive force that this is for the  
21 public safety?

22 MS. SHAFAT: Form and foundation. You  
23 can answer.

24 A They train it -- I can kind of agree to  
25 that.

1           **Q**     (By Mr. Dowd) I mean, when you're -- the  
2     limitations on the amount of force you're allowed to  
3     use are primarily for the protection of people upon  
4     whom you're using the force, which are people in  
5     this city, correct?

6                   MS. SHAFAT: Same objection.

7           **A**     Yeah, the least amount of force possible.

8           **Q**     (By Mr. Dowd) And that's to protect those  
9     people from having too much force used on them and  
10    them suffering serious injury or death, right?

11                  MS. SHAFAT: Same objection.

12           **A**     Yes.

13           **Q**     (By Mr. Dowd) Part of the excessive force  
14    training and to use the least amount of force  
15    necessary is to protect the public from officers  
16    abusing that force, correct?

17           **A**     Yes.

18           **Q**     And it's the department's duty to  
19    supervise its officers to ensure that excessive  
20    force is not used?

21                  MS. SHAFAT: Same objections.

22           **A**     I'd agree with that.

23           **Q**     (By Mr. Dowd) You'd agree it's the other  
24    officers' duty as well to make sure that your fellow  
25    officers aren't using excessive force?

1 MS. SHAFAT: Same objections.

2 A Yes.

3 Q (By Mr. Dowd) And that both the  
4 supervision by command and supervision by fellow  
5 officers is for the protection of the public?

6 MS. SHAFAT: Same objections.

7 A Yes.

8 Q (By Mr. Dowd) And it's to protect the  
9 public from serious injury and possibly death?

10 MS. SHAFAT: Same objections.

11 A Yes.

12 Q (By Mr. Dowd) Would you also agree that  
13 police departments must train their officers on how  
14 to handle people with mental health issues who are  
15 exhibiting erratic behavior or having a personal  
16 crisis?

17 MS. SHAFAT: Same objections.

18 A I believe training should be there.

19 Q (By Mr. Dowd) And do you agree that the  
20 command and the superior officers have a duty to  
21 supervise the officers in how they deal with people  
22 in personal crisis or emotional distress or mental  
23 issues?

24 MS. SHAFAT: Same objections.

25 A I believe there should be some

1 supervision.

2 Q (By Mr. Dowd) You've been certified on a  
3 taser. And that's on how to use the taser, correct?

4 A Yes.

5 Q And that's in -- it's anticipated the  
6 taser will be used on people who you need to  
7 apprehend, right, get under control, whatever term  
8 you like to use?

9 A Okay, yes.

10 Q And the taser is a tool, just like tear  
11 gas or pepper spray, OC spray, a baton. Those are  
12 all products that are sold to police departments to  
13 be used as a tool, right?

14 A Yes.

15 Q And they all come with some kind of  
16 instructions and warnings, right?

17 A Yes.

18 Q So these companies, including Taser and  
19 the OC spray and the batons and the weapons company,  
20 the Smith and Wessons of the world, Glock and those,  
21 they give -- they provide the tools with how to --  
22 and the instructions of how to maintain it and how  
23 to safely use it to the best of their knowledge, but  
24 they don't provide you with the use of force  
25 training specifically, do they?



1 MS. SHAFAT: Form and foundation. You  
2 can answer.

3 A I was trained --

4 Q (By Mr. Dowd) To your knowledge. Do you  
5 understand the question?

6 A I was trained through the department.

7 Q Right. The use of force training and the  
8 policies comes from the department, right?

9 A Yes.

10 Q And your training in September of 2011  
11 included that when you deploy a taser you should use  
12 the least number of charges to accomplish the lawful  
13 objective?

14 A Least amount of force to obtain the  
15 arrest.

16 Q And you're supposed to know when you're  
17 using that taser the current law in your  
18 jurisdiction?

19 MS. SHAFAT: Foundation. You can answer.

20 A Yes.

21 Q (By Mr. Dowd) Supposed to know your  
22 policies of the department?

23 A Yes.

24 Q You're supposed to know the taser's  
25 current training program when you use it?

1 MS. SHAFIAE: Foundation. You can answer.

2 A Yes.

3 Q (By Mr. Dowd) And you're supposed to use  
4 the -- you're supposed to be -- understand and  
5 adhere to Taser's current warnings, instructions and  
6 information that they provide?

7 MS. SHAFIAE: Same objection.

8 A Yes.

9 MR. DOWD: Can I ask what the basis of  
10 your form objection is?

11 MS. SHAFIAE: You haven't established any  
12 of his knowledge regarding any of those things  
13 you're asking him, the Taser -- whether he received  
14 any of that information from Taser, when he received  
15 it.

16 MR. DOWD: That's fine. That's fine. If  
17 that's your objection, that's fine. If that's going  
18 to be the basis of all your objections, you can have  
19 a running objection until the next break.

20 MS. SHAFIAE: I don't know what the  
21 questions are, but I'm trying to keep them as --

22 MR. DOWD: And you're doing good. I  
23 appreciate it.

24 MS. SHAFIAE: -- not disruptive as  
25 possible.

1 MR. DOWD: I appreciate it. I'll go ahead  
2 and give you a running objection on that basis until  
3 the next break.

4 MS. SHAFATIE: Just for foundation as to --

5 MR. DOWD: Your objection, form --

6 MS. SHAFATIE: Form and foundation.

7 MR. DOWD: Form and foundation, yeah.

8 MS. SHAFATIE: Until the next break?

9 MR. DOWD: Right.

10 Q (By Mr. Dowd) So you're also trained by  
11 Taser and warned that when deploying a taser you  
12 should avoid the chest?

13 A If you can. If it dictates, try to avoid  
14 the chest.

15 Q And the preferred target area for taser  
16 prong applications is below the chest, lower body  
17 mass?

18 A If the situation dictates it.

19 Q And you're not supposed to be using your  
20 taser to try to kill someone, right? It's a less  
21 than lethal force weapon. You agree with that?

22 A We're never trained to kill anybody. But  
23 yes, it is a less --

24 Q Unless you're discharging your weapon in a  
25 lethal force situation.

1           **A**     It is a less lethal situation.

2           **Q**     Were you trained as of September 2011 that  
3     a taser application of a subject can cause  
4     physiological or metabolic effects?

5           **A**     Not that I recall.

6           **Q**     You don't recall that? And that those  
7     are -- include but aren't limited to acidosis, heart  
8     rate rhythm, respiration, things like that? You  
9     don't recall any training or warnings like that?

10          **A**     I don't recall exact warnings like that.

11          **Q**     Okay. You understand that the taser  
12     applications and you understood in 2011 that they  
13     affect the sensory nervous system?

14          **A**     From what I can recall, yes.

15          **Q**     And that a neuromuscular incapacitation is  
16     what occurs when the taser prongs are properly  
17     spread?

18          **A**     Yes.

19          **Q**     And that it operates at a peak open gap  
20     voltage of 50,000 volts?

21          **A**     I believe so.

22          **Q**     Tell the jury what you mean by -- what  
23     your understanding of split the hemispheres or split  
24     the beltline means in relationship to your taser  
25     training.

1           **A**       They use that phrase -- preferably, if the  
2       situation dictates, try to aim for the beltline.  
3       That would hopefully put one prong in the leg and  
4       possibly another one just above the beltline and  
5       give it enough spread to make effect. But again,  
6       it's if that's even possible in the situation.

7           **Q**       Do you agree that when Officer Kaminski  
8       and you were on the scene with Mr. Moore prior to  
9       the last taser application that that was not a  
10      deadly force situation?

11          **A**       It was not a deadly force situation.  
12                   MR. DOWD: We can go off the record,  
13      please.

14                   VIDEOGRAPHER: Off the record at 12:27.  
15                   (Off the record.)

16                   VIDEOGRAPHER: Back on the record at  
17      12:33.

18          **Q**       (By Mr. Dowd) Officer White, I notice in  
19      Exhibit 12 there's a report from a Detective Wilson.  
20      Do you know who that is?

21          **A**       Yes.

22          **Q**       And what was her -- she was a detective at  
23      that time. Is she still with the department to your  
24      knowledge?

25          **A**       To my knowledge, yes.

1           **Q**     All right. And do you know what her role  
2     is with regard to the investigation of the death of  
3     Mr. Moore?

4           **A**     I -- I think a follow-up for an autopsy.  
5     I'm not quite sure.

6           **Q**     And is that customary if a person were to  
7     die during a use of force with a Ferguson police  
8     officer that a detective is assigned to follow up  
9     and complete the procedures necessary to  
10    investigate?

11          **A**     I wouldn't say policy or customary. I've  
12    never dealt with it before. But in that instance it  
13    was.

14          **Q**     Have you ever spoken to Detective Wilson  
15    about this incident?

16          **A**     I have not.

17          **Q**     Even after the -- immediately after the  
18    occurrence, you didn't -- she didn't contact you or  
19    talk to you?

20          **A**     No. I don't talk to her.

21          **Q**     Did anyone at the department contact you  
22    and ask you what happened other than tell you to  
23    write your report?

24          **A**     Just the lieutenant, Lieutenant Ballard.

25          **Q**     Okay. Do people in Detective Wilson's

1 position have any role in internal affairs  
2 investigations?

3 A No.

4 Q Who would normally be involved in that if  
5 there were to be an internal affair investigation at  
6 Ferguson?

7 A To my understanding, it would be a  
8 lieutenant.

9 Q And would it be the lieutenant that's  
10 involved already like Lieutenant Ballard in this  
11 case?

12 A No. From my understanding, it's  
13 Lieutenant Nabdzyk that does internal affairs.

14 Q He never interviewed you?

15 A No.

16 Q And there was no civilian review board in  
17 Ferguson in September of 2011 that took an  
18 independent look at what happened here?

19 A There wasn't.

20 Q Are you aware of any, anybody who  
21 investigated this other than Officer Ballard and  
22 yourself of Mr. Moore?

23 A I'm not aware.

24 Q Were you ever interviewed by anybody from  
25 the Department of Justice during their

1 investigation?

2 A I was not.

3 Q Okay. Have you ever tased anyone in the  
4 line of duty?

5 A Yes.

6 Q All right. How many times?

7 A I can't give you the exact number.

8 Q Approximately how many times before  
9 September of 2011?

10 A Again, I couldn't give you an exact  
11 number.

12 Q Were they generally using the prong  
13 application or the stun application?

14 A Again, if I -- until I can see what I  
15 wrote, I wouldn't remember. That's --

16 Q All right. Have you ever tased any thin  
17 or skinny man in the chest?

18 A I'd have to see. I mean, I can't -- it's  
19 been five years almost since that happened. I mean,  
20 I've tased several people. But as far as locations  
21 go, I --

22 Q You don't recall ever tasing anyone in the  
23 chest the way Mr. Moore was tased with one in the  
24 center body mass and one down around the groin?

25 A I'd have to review all my points. I don't



1 remember.

2 Q Well, I understand. So I'm asking as you  
3 sit here, you don't remember one that you --

4 A I don't remember.

5 Q Do you -- are you aware of any incidents  
6 in which Officer Kaminski has tased anyone since  
7 this?

8 A I'm not aware.

9 Q Are you aware of whether he ever tased  
10 anyone prior to September 2011?

11 A I'm not aware.

12 MR. DOWD: I don't have any further  
13 questions. I appreciate your time this morning,  
14 sir, and your answering my questions very much.

15 I would make one reservation, that if  
16 there are additional documents produced that we had  
17 previously requested that should have been produced,  
18 I reserve the right to inquire again.

19 EXAMINATION

20 QUESTIONS BY MR. JOHNSON:

21 Q Officer White, my name is Todd Johnson.  
22 I'm an attorney for separate family members of  
23 Mr. Moore. I'm not going to tread over all the same  
24 ground that Mr. Dowd did earlier, but I have some  
25 follow-up questions, obviously about the same

1 issues.

2           You were in the Ferguson Police Department  
3 when you received the dispatch that dispatched you  
4 to the scene with Mr. Moore, correct?

5           **A**     Yes.

6           **Q**     Was Mr. Kaminski also present with you at  
7 the department when that dispatch was received?

8           **A**     I would -- I can't exactly remember, but I  
9 mean, it was roll call time, so --

10          **Q**     Did you receive the dispatch while roll  
11 call was being undertaken?

12          **A**     I don't recall exactly where in the  
13 station I was. I just know I was there.

14          **Q**     And how did you actually hear the  
15 dispatch? Is this over your walkie?

16          **A**     Yes.

17          **Q**     What zone or beat were you assigned to  
18 that day?

19          **A**     I don't recall.

20          **Q**     What zone or beat was Officer Kaminski  
21 assigned to that day?

22          **A**     I don't recall.

23          **Q**     Do you know if you were assigned to a zone  
24 or beat as opposed to being an extra or additional  
25 patrol car that day?

1           **A**     I don't remember where I was assigned that  
2     today.

3           **Q**     Do you know if Officer Kaminski was  
4     assigned to a beat as opposed to being an extra or  
5     additional patrol car that day?

6           **A**     I don't remember.

7           **Q**     The gentleman that you encountered that's  
8     in your narrative before you got to the scene, you  
9     recall meeting with somebody before you got there?

10          **A**     In the car.

11          **Q**     Right.

12          **A**     Yes.

13          **Q**     And this is a person that gave you  
14     information about the events before you arrived to  
15     the scene, correct?

16          **A**     Yes.

17          **Q**     The demeanor of the person who gave you  
18     that information, did they appear frightened to you?

19          **A**     I don't remember. I just remember what  
20     they said.

21          **Q**     Nothing in the way that they conveyed it  
22     to you, though, stands out that they were frightened  
23     for their safety?

24          **A**     Again, I can't remember what their  
25     demeanor was.

1           Q     At any point after you arrived to the  
2     scene, did Mr. Moore strike you?

3           A     No.

4           Q     Did he strike Officer Kaminski that you  
5     saw?

6           A     No.

7           Q     Did he physically resist you cuffing him?

8           A     He was under power of the taser, so no.

9           Q     Did he physically resist in any fashion  
10    that you saw after the load was discharged?

11          A     No.

12          Q     Did you receive any information that he  
13    had broken any property prior to you being summoned  
14    to the scene?

15          A     Not that anything was broken, no.

16          Q     Did he break any property in your  
17    presence?

18          A     No.

19          Q     Did you go straight from the Ferguson  
20    Police Department station to the scene  
21    September 17th, 2011?

22          A     I went straight to Airport, but I went  
23    down a side street.

24          Q     That's what I was going to ask. Did you  
25    take Florissant?

1           **A**     I took Florissant to Airport to Margo.

2           **Q**     Do you recall your earlier testimony where  
3     EMS was summoned more than once?

4           **A**     Yes.

5           **Q**     And it was summoned for the purpose --  
6     one, there was a discharge of a taser, correct?

7           **A**     Correct.

8           **Q**     And two, to request expedited service  
9     because Mr. More had stopped breathing, correct?

10          **A**     Correct.

11          **Q**     What was the time in-between those two  
12     communications to dispatch to dispatch EMS?

13          **A**     The timeframe is kind of hard to say. It  
14     was really quickly. Everything happened very  
15     quickly. Thirty seconds to a minute maybe. I mean,  
16     it -- very quick scene there.

17          **Q**     What reason was Lieutenant Ballard  
18     summoned to the scene?

19          **A**     Whenever there's a taser discharged we  
20     automatically notify a supervisor.

21          **Q**     Who contacted Lieutenant Ballard to  
22     arrive?

23          **A**     I want to say I did on the radio. I wrote  
24     that in my report, so that's --

25          **Q**     Did Lieutenant Ballard ever review Officer

1 Kaminski's use of force with you?

2 A No.

3 Q Did Chief Jackson do that?

4 A No.

5 Q Did -- we heard a name in other testimony,  
6 Henke.

7 A Yes.

8 Q Is there a Mr. Henke, Captain Henke, that  
9 works at your department?

10 A Yes.

11 Q And was he working at the department in  
12 September 2011?

13 A Yes.

14 Q And is he working at the department now?

15 A No.

16 Q When did he leave the department to your  
17 knowledge?

18 A Last year.

19 Q And do you have any idea of the facts and  
20 circumstances of why he left?

21 A Yes.

22 Q What do you know?

23 A Rumors that he received an email that  
24 wasn't to the best of the department, so --

25 Q Was this -- and I don't want to try and

1     sensationalize anything. But was this associated  
2     with the -- maybe a review of the department after  
3     the Michael Brown incident?

4             **A**     Yes.

5             **Q**     Did this have to do with allegedly some  
6     form of emails that were off-color or racist in some  
7     nature?

8             **A**     Yes.

9             **Q**     And to your knowledge, and I know you  
10    weren't the one personally involved with that, but  
11    to your knowledge, was Captain Henke the one who  
12    received that email or sent the email?

13            **A**     I was told he received it.

14            **Q**     Were you told that he had forwarded it to  
15    any other persons?

16            **A**     I was not.

17            **Q**     To your knowledge, was he terminated?

18            **A**     No.

19            **Q**     He separated employment?

20            **A**     Yes.

21            **Q**     Do you know if he's still in law  
22    enforcement with a different agency?

23            **A**     I do not know.

24            **Q**     You don't know his whereabouts after he  
25    left Ferguson?

1           **A**     No.

2           **Q**     Have you, yourself, when you have used  
3     force under the use of force policy of Ferguson,  
4     have you ever had a supervisor review your use of  
5     force with you?

6           **A**     Yes.

7           **Q**     And how did they go about doing that?

8           **A**     Well, they've completed the use of force  
9     report and they just sit down, review it with you,  
10    make sure that the statements in there are the  
11    accurate statements that I gave them, and then they  
12    sign it. I believe we sign it and it gets sent up  
13    to the chief.

14          **Q**     And is this done in a face-to-face meeting  
15    where the two of you sit down and go through the  
16    report?

17          **A**     Yes.

18          **Q**     And the actual use of force report, is  
19    that authored -- is that authored by the -- your  
20    superior?

21          **A**     Yes.

22          **Q**     You, as the officer, as the patrol officer  
23    in most cases, you're not the one who is authoring  
24    the use of force report?

25          **A**     Correct.



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1           **Q**     In the event of a discharge of a taser,  
2     you are not the one who is authoring the taser use  
3     report, correct?

4           **A**     Correct.

5           **Q**     In your own experience, has a supervisor  
6     ever advised you that your use of force was  
7     inappropriate?

8           **A**     No.

9           **Q**     Do you know if anybody informed you that  
10    Officer Kaminski's use of force September 17th, 2011  
11    was inappropriate under the department's use of  
12    force policy?

13          **A**     No.

14          **Q**     Do you know if Officer Kaminski was  
15    disciplined because of the Moore incident?

16          **A**     No.

17          **Q**     Were you?

18          **A**     No.

19          **Q**     To your knowledge, was anybody within your  
20    department?

21          **A**     No.

22          **Q**     Have you ever been disciplined for an  
23    inappropriate improper use of force under department  
24    policy?

25          **A**     No.

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1 Q Do you know if Officer Kaminski has?

2 A I don't know.

3 Q Do you know if anybody patrol officer has  
4 within the Ferguson Police Department?

5 A I don't know.

6 Q Or any officer, period, at any level or  
7 any rank?

8 A I don't know.

9 Q Do you know if the use of force report  
10 that Lieutenant Ballard authored in Exhibit 12 was  
11 reviewed by any superior of his within the  
12 department?

13 A I don't know.

14 Q Have you ever had any citizen complaints  
15 registered against you as a Ferguson Police  
16 Department officer?

17 A Yes.

18 Q How many?

19 A I believe it's two.

20 Q What years were they?

21 A One was last year, and the other one I  
22 can't recall the year.

23 Q And what was the nature of the complaints?

24 A One was -- I'm trying to explain it. I  
25 gave a citizen the middle finger --

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1 Q Okay.

2 A -- and I got a complaint on that. And the  
3 other one was a complaint related to a traffic  
4 ticket that I can remember. There might be  
5 something else. But just was written reprimands.

6 Q Is that the form of discipline that you  
7 received in both occasions, sir?

8 A Yes.

9 Q And were those placed in your file to your  
10 knowledge?

11 A To my knowledge, they should have been.

12 Q And I know you're not the one that  
13 maintains your personnel file, correct?

14 A Correct.

15 Q Where are those maintained now, if you  
16 know?

17 A They should be in the chief's office.

18 Q Is there -- does the chief maintain an IA  
19 file? That's a terrible question. Let me ask a  
20 better one. Back in 2011, when this occurred with  
21 Mr. Moore, do you know if the chief maintained IA  
22 files?

23 A I don't know if he did or not.

24 Q Do you know if the citizen complaints that  
25 were registered against you were placed in some type

1 of IA file that the chief or the Ferguson Police  
2 Department would maintain?

3 A I don't know if they did.

4 Q Once the citizen complaints were  
5 registered against you, sir, was there any type of  
6 internal review or follow-up within your department?

7 A There was a -- there was a review.

8 Q And how -- what's your knowledge? How did  
9 it -- how did it take place? Who did it and what  
10 did they do?

11 A To my knowledge, the complaint is given to  
12 a supervisor. I write out a memo about what  
13 happened. They've got their side of what happened.  
14 They forward it through the chain of command to the  
15 chief of police. He makes the decision. It gets  
16 sent back down to them. They pull me in, tell me  
17 the decision. It goes back up to the chief to be  
18 put in the personnel file.

19 Q There's a number of decisions that could  
20 be made on a citizen complaint, correct?

21 A Yes.

22 Q Could be warranted, not warranted, a lot  
23 of different definitions, true?

24 A Yes.

25 Q In your own cases, do you know the outcome

1 of the complaints that were registered against you  
2 in terms of how Ferguson determined if they were  
3 warranted, not warranted, or otherwise?

4 A They sustained the one.

5 Q And the other one?

6 A Don't recall the disposition on that one.

7 Q Which one was sustained?

8 A The middle finger.

9 Q At roll call, before you go on shift, do  
10 you ever -- have you ever received any information  
11 about any type of use of force incident involving  
12 one of your peers?

13 A They don't go into details, but they might  
14 explain like, hey, this happened here. But they  
15 don't go into extreme detail.

16 Q It's not a scenario where they lay it out  
17 in a Power Point or anything like that, true?

18 A Exactly, it's not.

19 Q It's just kind of anecdotal, hey, this  
20 happened yesterday or last shift, period, true?

21 A True.

22 Q Anything involving Officer Kaminski that  
23 you recall?

24 A No.

25 Q When you first saw Mr. Moore and his arms

1 were waiving around, as you told Mr. Dowd, were his  
2 fists clenched in any fashion?

3 A I believe they were.

4 Q And did you associate that with the fact  
5 that he was under load?

6 A Yes.

7 Q That there was some muscle contraction?

8 A Yes.

9 Q Did Mr. Moore make any verbal threats to  
10 you that day?

11 A No.

12 Q Did he make any threats that you  
13 considered to be verbal in fashion to Officer  
14 Kaminski that day?

15 A No.

16 Q Do you have any knowledge as to whether  
17 Officer Kaminski was certified on the use of the  
18 taser as of September 2011?

19 A I don't have knowledge.

20 Q You know he was carrying it?

21 A Yes.

22 Q After that date, do you have any knowledge  
23 as to whether or not Officer Kaminski continued to  
24 train others on the use of the taser?

25 A I don't recall.

1           Q     The reason I ask that is there's been some  
2     testimony that he wasn't selected as an instructor  
3     after this incident. I didn't know if you know  
4     anything through the department as to your  
5     understanding why that took place.

6           A     I know it at one point he became an  
7     instructor, but I don't know further.

8           Q     You know he was an instructor, but you  
9     don't know anything after that, right?

10          A     Yes.

11          Q     A guy named Eric Davis is the instructor  
12     now, true?

13          A     I didn't know that.

14          Q     Didn't know that either?

15          A     No.

16          Q     Okay. Did you ever place Mr. Moore under  
17     arrest?

18          A     I handcuffed him.

19          Q     And based on your background, training and  
20     experience in law enforcement, sir, is that you  
21     effectuating an arrest on him?

22          A     In the situation that happened there, yes,  
23     he was being placed under arrest.

24          Q     For what charge?

25          A     The indecent exposure and the assault of

1 Kaminski, running at him.

2 Q You saw his indecent exposure because he  
3 was naked in public?

4 A Yes.

5 Q You did not see the assault on Officer  
6 Kaminski, correct?

7 A I did not.

8 Q When were you alerted that Mr. Moore  
9 passed?

10 A It was after I made contact with that  
11 witness, with O'Connor. I was told by Lieutenant  
12 Ballard later on.

13 Q And what were the facts and circumstances  
14 of why Lieutenant Ballard told you he passed? Did  
15 he give you any details?

16 A Well, we didn't really have details at  
17 that time because it had just happened. He just  
18 explained that he had passed.

19 Q Did you check for any warrants on Mr.  
20 Moore before you arrived to the scene?

21 A I didn't know who Moore was when I  
22 arrived.

23 Q You didn't have a name?

24 A No.

25 Q Did you check for warrants after you



1 encountered him that day?

2 A I didn't.

3 Q And when you check for warrants on an  
4 individual, what process do you go through in your  
5 system?

6 A It's a really easy process. Just got that  
7 one, one screen. You put their name, date of birth,  
8 social security if you have it, and it will tell you  
9 yes or no.

10 Q Is that through Mules?

11 A Regis.

12 Q Regis?

13 A And Mules.

14 Q Are they sync'd, connected?

15 A Yes.

16 Q Do you know if anybody checked for  
17 warrants on Mr. Moore after the incident on  
18 September 17, 2011?

19 A I would assume so, but I don't know for  
20 sure.

21 Q And, you know, if somebody checks for a  
22 warrant, how does that work? Do you have to log in?  
23 Do you have to put a user name, password? Tell me  
24 when you check for warrants what process or protocol  
25 you go through.

1           **A**       When we log on the computer each day, you  
2       have to log in with a user name and password. And  
3       it's really one click of a button after you enter  
4       their information and it pops up for you.

5           **Q**       And what program, what software? Is it  
6       Regis?

7           **A**       Regis.

8           **Q**       And do you still use Regis?

9           **A**       Ferguson does not, no.

10          **Q**       When did -- when did they switch from  
11       Regis?

12          **A**       Approximately a year and a half, two years  
13       ago, I think.

14          **Q**       What are they utilizing now?

15          **A**       Just Mules.

16          **Q**       Mr. Dowd asked you about any communication  
17       you may have had with Mr. Moore's spouse. Do you  
18       recall that?

19          **A**       Yes.

20          **Q**       And his spouse at the time of his death  
21       was named Tina more. His mother's name is Delores  
22       Moore. You don't recall speaking with either of  
23       these ladies?

24          **A**       I don't recall.

25          **Q**       He had a son named Anthony Rice. You

1 speak with anybody you associate to be a family  
2 member such as a son of Mr. Moore?

3 A I have not.

4 Q Did anybody come up to you at any point,  
5 Officer, and tell you they saw the encounter between  
6 Jason Moore and Officer Kaminski before you arrived?

7 A No.

8 Q Did you speak with anybody you associate  
9 to be with Mr. Moore's family after September 17th,  
10 2011?

11 A I did not.

12 Q Did Mr. Kaminski, Officer Kaminski, ever  
13 to your knowledge communicate any aversion he had to  
14 any type of use of force, any problems he had with  
15 force?

16 A No.

17 Q Any problems he had with the forms of  
18 force that were available to him under Ferguson  
19 department policy?

20 A It was not expressed to me.

21 Q You were certified on crisis intervention  
22 through St. Louis County March of 2010?

23 A Sounds right.

24 Q I'm holding your certificate.

25 A Yeah.

1           **Q**     I'm not trying to hide anything, sir. At  
2 any point after you received notice that there was a  
3 naked individual in or about the streets, and I  
4 think you said banging on cars, did you at any point  
5 associate that with the training you received a year  
6 and a half earlier?

7           **A**     Like I said earlier, there's so many  
8 factors when you get a call like that. There wasn't  
9 enough information to say, you know, what's going on  
10 here. So I had not associated that to that.

11          **Q**     Did the county as part of their scenarios  
12 that you received in your 40 -- approximately 40  
13 hours of training a year and a half earlier go  
14 through a scenario involving people who were naked?

15          **A**     Not that I recall.

16          **Q**     You talked about schizophrenics. You  
17 remember that?

18          **A**     Yes.

19          **Q**     You talked about -- what were the other  
20 scenarios? What were their diagnosed conditions you  
21 went through at CIT?

22          **A**     There was plenty. Autism, schizophrenia,  
23 bipolar. I mean, there's -- there's plenty.

24          **Q**     How about agitated delirium?

25          **A**     I don't recall exactly.

1 Q Excited delirium?

2 A I don't recall.

3 Q Did you read the DOJ report on your  
4 department?

5 A I elected not to.

6 Q Never did?

7 A Bits and pieces, but I didn't -- I didn't  
8 read it.

9 Q You made the conscious decision not to  
10 read through the United States investigation into  
11 your employer?

12 A Yes.

13 Q I want to ask you about data. I'm not  
14 asking you about opinions or about conclusions. I  
15 want to ask you about facts that are set forth in  
16 this exhibit, which is Exhibit 11. Do you see that  
17 in front of you, sir?

18 A Yes.

19 Q I'm going to leaf around and jump around  
20 just to about two or three different pages and ask  
21 you really for your memory, okay? Let's start on  
22 page 29 of Exhibit 11. And the subheading is  
23 Ferguson Police Department's use of electronic  
24 control weapons is unreasonable. Do you see that  
25 subsection, sir?

1           **A**     I see it.

2           **Q**     I want to start with an encounter or  
3     incident that they identified on page 29 of  
4     Exhibit 11 in November of 2013 where they say that a  
5     correctional officer fired an ECW at an  
6     African-American woman's chest because she would not  
7     follow his verbal commands to walk toward a cell.  
8     Do you have any memory, sir, working at the  
9     department for ten years of the facts and  
10    circumstances of this incident?

11          **A**     I wasn't there. I don't know that.

12          **Q**     Do you have a knowledge or identity of the  
13    Ferguson Police Department officer or officers who  
14    were involved in that encounter?

15          **A**     I wasn't there. I don't know.

16          **Q**     Okay. Next incident is on page 30 of  
17    Exhibit 11. It says, in September 2012, an officer  
18    drive-stunned an African-American woman who he had  
19    placed in the back of his patrol car but who had  
20    stretched out her leg to block him from closing the  
21    door. The woman was in handcuffs.

22                 Do you have any knowledge as to the facts  
23    and circumstances of that incident, sir?

24          **A**     I wasn't there.

25          **Q**     Or to the officers involved?

1           **A**     I do not.

2           **Q**     Next incident is in May 2013, officers  
3     drive-stunned a handcuffed African-American man who  
4     verbally refused to get out of the back seat of a  
5     police car once it arrived at the jail.

6                   Do you have any personal knowledge of the  
7     facts and circumstances of that incident, sir?

8           **A**     I don't recall that.

9           **Q**     Or to the police officers involved?

10          **A**     I don't recall that.

11          **Q**     Let's jump ahead to page 36 of Exhibit 11,  
12     which is in the subsection Ferguson Police  
13     Department officers have a pattern of resorting to  
14     force too quickly when interacting with vulnerable  
15     populations. And this is the subheading of a  
16     subheading that says, force used against people with  
17     mental health conditions or intellectual  
18     disabilities. That's the subheading. But the body  
19     that I care about is on page 36. Do you have that  
20     available, sir?

21          **A**     Yes.

22          **Q**     I'm going to skip over Mr. Moore's case  
23     because it's in the second paragraph and we've  
24     talked about that at length today. Do you agree?

25          **A**     Yes.

1           **Q**     Let's go down to the next paragraph. In  
2     2013, Ferguson Police Department stopped a man  
3     running with a shopping cart because he seemed  
4     suspicious. According to the file, the man was  
5     obviously mentally handicapped. And then apparently  
6     it goes on to say they drive-stunned him in the side  
7     of the neck. Do you have any knowledge as to the  
8     facts and circumstances of the 2013 incident?

9           **A**     I wasn't there, sir. I don't know.

10          **Q**     And really -- and I'm not trying to be coy  
11     on this. I know you might -- you're going to tell  
12     me if you were present for any of these because  
13     you'd probably remember. I'm asking for your  
14     knowledge from being around the station, all right?  
15     So with that caveat, does that change any of your  
16     answers so far?

17          **A**     No.

18          **Q**     Gotcha. Do you know the officer or  
19     officers involved in this 2013 incident with the  
20     obviously mentally handicapped individual?

21          **A**     I do not.

22          **Q**     One month before Mr. Moore's case, is the  
23     next sentence, where officers used an ECW device  
24     against a man with diabetes who had bit an EMT's  
25     hand without breaking the skin. The man had been



1 having seizures when he did not comply with  
2 officers' commands.

3 Do you have any knowledge as to the facts  
4 and circumstances of that incident, sir?

5 A I do not.

6 Q Or of the officers involved?

7 A I don't.

8 Q Or of the EMT involved?

9 A I do not.

10 Q Next paragraph is in August 2010, an  
11 officer responded to a call about an  
12 African-American man walking onto the highway and  
13 lying down on the pavement. The officer struck the  
14 man several times with his asp baton, including once  
15 in the head, a form of deadly force, causing  
16 significant bleeding. Two other officers then  
17 deployed their ECWs against the man a total of five  
18 times. Do you have any knowledge of the facts and  
19 circumstances of that incident, sir?

20 A I don't.

21 Q And we saw in earlier questioning that the  
22 taser -- there were some tasers purchased by your  
23 department in 2010. Is that your memory as to the  
24 year Ferguson first obtained or received taser ECWs?

25 A My years are sketchy, but I mean, 2010

1 sounds appropriate, but kind of sketchy there.

2 Q All right. And you don't know the  
3 officers involved in that incident, sir?

4 A I think I heard of one guy that was there.

5 Q Who was that?

6 A Officer Boyd.

7 Q Is that Officer Boyd who used to be with  
8 the St.~Louis Metropolitan Police Department?

9 A Yes.

10 Q Okay. The final incident I'd like to ask  
11 you about is at the bottom paragraph of page 36 of  
12 Exhibit 11, where in 2011 in July a correctional  
13 officer used an ECW to drive-stun an  
14 African-American male inmate three times after he  
15 tried to hang himself with material torn from a  
16 medical dressing and banged his head on the cell  
17 wall.

18 Do you know the facts and circumstances of  
19 that incident beyonds what's reported?

20 A I don't.

21 Q And do you know the correctional or  
22 officer involved in that incident?

23 A I don't.

24 Q Final one is that same month, in July of  
25 2011, a correctional officer used an ECW against an

1 African-American inmate with bipolar disorder who  
2 broke the overhead glass light fixture and tried to  
3 use it to cut his wrists.

4 Do you know anything beyond what's  
5 reported in Exhibit 11 as to that incident, sir?

6 A I do not.

7 Q Or the officer or officers involved?

8 A I do not.

9 Q I don't have any further questions on that  
10 document, sir. Do you have any knowledge, sir, as  
11 to any department review of force as to any of the  
12 incidents I just asked you about in the DOJ report?

13 A I don't.

14 Q Do you have any knowledge as to any  
15 discipline rendered to any individual that you  
16 associate with the incidents I asked you about in  
17 the DOJ report?

18 A There might have some on Eddie Boyd, but I  
19 don't know exactly where they went or what they  
20 entailed.

21 Q And Eddie Boyd, that's the only officer  
22 that you do remember ought of the incidents I asked  
23 you about?

24 A Yes.

25 Q And do you recall what form or forms of

1 discipline Mr. Boyd may have received?

2           **A**     I just know that he did. I'm the kind of  
3 guy that that's not my place, not my opinion. I  
4 just overheard that he did, but I didn't listen to  
5 the extent of it.

6           **Q**     Didn't pursue it?

7           **A**     Yes.

8           **Q**     Why didn't you review the DOJ report?

9           **A**     I don't -- they didn't come talk to us.  
10 They didn't find out our sides of any of this. So I  
11 just assume it was one-sided and I didn't want to  
12 read it.

13          **Q**     Did you feel as though you could learn  
14 anything in the findings and opinions and  
15 conclusions that the United States Department of  
16 Justice has rendered so far?

17          **A**     Based on them not coming to talk to us, I  
18 was ready and willing and aware that they had one  
19 side in there. I wasn't going to read it.

20          **Q**     Sounds like you're indifferent to what  
21 they are saying.

22          **A**     I've read some things in there that I  
23 don't agree with.

24          **Q**     Is there anything factually that I  
25 mentioned in the report that you know is factually

1 inaccurate about just what I read to you?

2           **A**     I mean, I wasn't there for most of those  
3 instances, so I don't know the facts behind those  
4 cases, so --

5           **Q**     White's a common name like Johnson.  
6 Michael A. White, correct?

7           **A**     Yes.

8           **Q**     We have the right Michael White? There's  
9 not two Michael Whites working at the Ferguson  
10 department?

11          **A**     There's not.

12          **Q**     I'm sure your lawyers would have caught  
13 that. What evidence was seized from the scene  
14 involving Mr. Moore?

15          **A**     I took a witness statement from that Alan  
16 Shilling, I think.

17          **Q**     Yes, sir.

18          **A**     But that's -- that's all I had.

19          **Q**     Did you seize any evidence from the scene?

20          **A**     I did not.

21          **Q**     To your knowledge, are any of the persons  
22 that work in communications or dispatch with the  
23 Ferguson Police Department trained on CIT?

24          **A**     To my knowledge, I don't think they are.

25          **Q**     Do you know if that was ever discussed

1 within the department itself as to whether those  
2 working in communications, in addition to the patrol  
3 officer such as yourselves who encounter individuals  
4 on the street, should receive CIT training?

5       **A**     Yes. They were trying to send as many  
6 people as possible to that training. But with the  
7 size of the municipalities in St. Louis County it  
8 became hard to get schedules down to get people in  
9 there.

10       **Q**     Who was the person who was the liaison  
11 with the county in terms of sending you to CIT  
12 training?

13       **A**     I believe Captain Henke did the training.

14       **Q**     What is 10-23 in your parlance?

15       **A**     Arrived.

16       **Q**     When you radio 10-23, do you draw a  
17 distinction between arriving in the area as opposed  
18 to arriving at the scene?

19       **A**     It's used both ways. I mean, I do it now  
20 still where I'll call a 10-23 and I might be two  
21 blocks away. It's kind of an officer safety thing.

22       **Q**     Do you say 10-23 in the area as opposed to  
23 10-23 at the scene, or does it depend on where you  
24 are?

25       **A**     I just say 10-23, and then that could mean

1 in the area or on the scene.

2 Q Did you overhear any communications that  
3 Officer Kaminski made that you overheard through  
4 your walkie, radio, or otherwise between the time  
5 you left the Ferguson Police Department and the time  
6 you first observed Officer Kaminski and Mr. Moore?

7 A I don't recall hearing the transmission of  
8 where he found him. I just remember dispatch  
9 relaying what he said.

10 Q And you told us already what you do recall  
11 hearing, correct?

12 A Yes.

13 MR. JOHNSON: I don't have any further  
14 questions. Thank you, sir.

15 MR. DOWD: I don't either. Same  
16 reservation I previously stated. But other than  
17 that, thank you for your time, sir.

18 MS. SHAFIAIE: I don't have any questions.

19 COURT REPORTER: Signature?

20 MS. SHAFIAIE: We'll read.

21 VIDEOGRAPHER: We're off the record at  
22 1:07.

23 SIGNATURE NOT WAIVED, BY AGREEMENT OF COUNSEL  
24 AND WITNESS

25

1 State of Missouri

2 SS.

3 County of St. Charles

4 I, Julie A. Bulard, do hereby certify that  
5 pursuant to Notice in the civil cause now pending  
6 and undetermined in the United States District  
7 Court, Eastern District of Missouri, Eastern  
8 Division, to be used in the trial of said cause in  
9 said court, I was attended at the offices of Pitzer  
10 Snodgrass, PC, 100 South Fourth Street, Suite 400,  
11 in the City of St. Louis, State of Missouri, by the  
12 aforesaid attorneys; on the 1st day of October,  
13 2015.

14 The said witness, being of sound mind and being  
15 by me first carefully examined and duly cautioned  
16 and sworn to testify the truth, the whole truth, and  
17 nothing but the truth in the case aforesaid,  
18 thereupon testified as is shown in the foregoing  
19 transcript, said testimony being by me reported in  
20 shorthand and caused to be transcribed into  
21 typewriting, and that the foregoing pages correctly  
22 set forth the testimony of the aforementioned  
23 witness, together with the questions propounded by  
24 counsel and remarks and objections of counsel  
25 thereto, and is in all respects a full, true,



1 correct and complete transcript of the questions  
2 propounded to and the answers given by said witness;  
3 that signature of the deponent was not waived by  
4 agreement of counsel.

5 I further certify that I am not of counsel or  
6 attorney for either of the parties to said suit, not  
7 related to nor interested in any of the parties or  
8 their attorneys.

9 Witness my hand at St. Charles, Missouri, this  
10 15th day of October, 2015.

11

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-----  
*Julie A. Bulard*

Julie A. Bulard

CCR MO #835



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1 GorePerry Reporting & Video

2 Friday, October 16, 2015

3

Ms. Ida S. Shafaie

4 Pitzer Snodgrass

100 South Fourth Street, Suite 400

5 St. Louis, MO, 63102

6 Re: Deposition of Michael White

Date: Thursday, October 01, 2015

7 Case: Tina Moore, et al. vs.

Brian Kaminski, et al.

8

9 Ms. Ida S. Shafaie

10 Your witness did not waive the right to read and sign  
his/her deposition in the above referenced matter.

11 Enclosed is the copy of the deposition you ordered,  
together with errata sheets and additional signature  
12 page. Please instruct your witness to read the  
transcript, list any corrections (including page and  
13 line number) on the errata sheets, sign and date the  
errata sheets and signature page.

14

Within 30 days, please return the errata sheets and  
15 signature page to our office for further processing.

16 Your prompt cooperation will be appreciated.

17

18

19

20

21 Sincerely,

22

23 Production Department

GorePerry Reporting & Video

24 515 Olive Street

St. Louis, MO 63101

25 (314) 241-6750

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FAX 314-241-6750

314-241-6750

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1 Comes now the witness, Michael White,  
2 and having read the foregoing transcript  
3 of the deposition taken on 10/1/2015,  
4 acknowledges by signature hereto that it is a  
5 true and accurate transcript of the testimony given  
6 on the date hereinabove mentioned.

7

8

9

10 \_\_\_\_\_  
Michael White

11

12 Subscribed and sworn to me before this  
13 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

14 My Commission expires

15

16

17

18 \_\_\_\_\_  
Notary Public

19

20

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23

24

25

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1 COURT MEMO

2

3

4

5 Tina Moore, et al. vs. Brian Kaminski, et al.

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Michael White

12

13 10/1/2015

14 Name and address of person or firm having custody of  
15 the original transcript:

16

17 Dowd & Dowd

18 211 North Broadway, Suite 4050

19 St. Louis, MO 63101

20

21

22

23

24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 Dowd & Dowd

4 211 North Broadway, Suite 4050

5 St. Louis, MO 63101

6 Total:

7 1 ONE COPY - TAXED IN FAVOR OF:

8

9 Pitzer Snodgrass

10 100 South Fourth Street, Suite 400

11 St. Louis, MO 63102

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13 1 ONE COPY - TAXED IN FAVOR OF:

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15 Baty, Holm & Numrich, PC.

16 4600 Madison Avenue, Suite 210

17 Kansas City , MO 64112

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1 Upon delivery of transcripts, the above  
2 charges had not been paid. It is anticipated  
3 that all charges will be paid in the normal course  
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY  
6 515 Olive Street, Suite 700  
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set  
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_  
11 Commission expires

12 \_\_\_\_\_

13 Notary Public

14

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